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federal register

TUESDAY, JULY 12, 1977

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that the following positions are excepted under Schedule C because they are confidential in nature: One Secretary (Steno) to the Executive Officer and one Secretary (Steno) to the Executive Assistant for Programs.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3359 (u) and (v) are added as set out below:

§ 213.3359 ACTION.

* * * * *

(u) One Secretary (Steno) to the Executive Officer.

(v) One Secretary (Steno) to the Executive Assistant for Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19931 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that four additional positions of Private Secretary to the Secretary are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFOMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3306(a) (1) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.*

(1) One Special Assistant, one Personal Assistant, one Assistant, and six Private Secretaries to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19932 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C two positions of Staff Assistant to the Director, Defense Civil Preparedness Agency because of the confidential nature of the positions.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3306(e) (5) is added as set out below:

§ 213.3306 Department of Defense.

* * * * *

(e) *Defense Civil Preparedness Agency.* * * *

(5) Two Staff Assistants to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 77–19933 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Staff Assistant to the Administrator because the position is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(a) (3) is amended as set out below:

§ 213.3388 Federal Energy Administration.

(a) *Office of the Administrator.* * * *

(3) Two Staff Assistants to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19934 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Confidential Assistant (Secretary) to the Assistant Administrator for Strategic Petroleum Reserve because the position is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(m) (3) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(m) *Office of the Assistant Administrator for Strategic Petroleum Reserve.* * * *

(3) One Confidential Assistant (Secretary) to the Assistant Administrator for Strategic Petroleum Reserve.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19935 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C the following positions because they

are confidential in nature: One position of Confidential Secretary to the Assistant Secretary for Legislation, one position of Confidential Secretary to the Inspector General, and one position of Confidential Secretary to the Deputy Inspector General.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316(f)(14) and paragraph (t) are added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(14) One Confidential Secretary to the Assistant Secretary.

* * * * *

(t) *Office of the Inspector General.*

(1) One Confidential Secretary to the Inspector General.

(2) One Confidential Secretary to the Deputy Inspector General.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19936 Filed 7-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Private Secretary to the Deputy Under Secretary for Field Operations and one position of Secretary to the Assistant Secretary for Administration because they are confidential in nature. This amendment also changes the title of an existing Schedule C position from Executive Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity to Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity because it more appropriately reflects the duties and responsibilities of the position.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384(a)(59), (66) and (f)(3) are amended and (f)(6) is revoked as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(59) One Staff Assistant and one Private Secretary to the Deputy Under Secretary for Field Operations.

* * * * *

(66) One Secretary and one Special Assistant to the Assistant Secretary for Administration.

* * * * *

(f) *Office of the Assistant Secretary for Fair Housing and Equal Opportunity.* * * *

(3) Four Special Assistants to the Assistant Secretary.

* * * * *

(6) (Revoked)

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19937 Filed 7-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one additional position of Confidential Assistant to the Under Secretary is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312(a)(8) is amended as set out below:

§ 213.3312 Department of Interior.

(a) *Office of the Secretary* * * *

(8) Two Confidential Assistants to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19938 Filed 7-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Confidential Assistant to the Commissioner, Immigration and Naturalization Service because of the confidential nature of the position.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3310(j)(2) is added as set out below:

§ 213.3310 Department of Justice.

* * * * *

(j) *Immigration and Naturalization Service.* * * *

(2) One Confidential Assistant to the Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19939 Filed 7-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Special Assistant to the Wage and Hour Administrator is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3315(a)(58) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(58) One Special Assistant to the Wage and Hour Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19940 Filed 7-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one position of Secretary (Steno) to the Administrator for Pension and Welfare Benefits to Private Secretary to the Administrator for Pension and Welfare Benefit Programs. This change in title is appropriate to more accurately reflect the duties of the position as well as to reflect the current title of the superior.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling 202-632-4533.

Accordingly, 5 CFR 213.3315(a)(42) is amended as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(42) One Private Secretary to the Administrator for Pension and Welfare Benefit Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19941 Filed 7-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C two positions of Special Assistant and one position of Staff Assistant to the Secretary (Economic Policy Group) because of the confidential nature of the positions.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3305(a) (71) and (72) are added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(71) Two Special Assistants to the Secretary (Economic Policy Group).

(72) One Staff Assistant to the Secretary (Economic Policy Group).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19942 Filed 7-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Confidential Assistant to the Deputy Assistant Secretary for Health, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3316(h) (12) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * *

(h) *Office of the Assistant Secretary for Health.* * * *

(12) One Confidential Assistant to the Deputy Assistant Secretary for Health.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20029 Filed 7-11-77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amendment No. 116]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

APPENDIX A—48 STATES AND DISTRICT OF COLUMBIA

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable monthly income standards for the one- and two-person households in the 48 States and the District of Columbia, effective July 1, 1977. These revisions are necessary to increase such income eligibility standards in line with the recently issued 1977 Secretary's income poverty guidelines.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–8325).

SUPPLEMENTARY INFORMATION: On May 3 (42 FR 22356–57), the Department published a final rule revising the Maximum Eligibility Standards and Basis of Coupon Issuance for the 48 States and the District of Columbia, effective July 1, 1977 (Appendix A—FSP Notice No. 1977–1.2). A correction thereto was published in the FEDERAL REGISTER of June 3, 1977 (42 FR 28516).

Currently the Food Stamp Program Regulations provide that the national income standards of eligibility shall be the higher of poverty guidelines issued by the Secretary of Agriculture on the basis of data reported by the Census Bureau or the level at which the total coupon allotment equals 30 percent of income.

The Secretary's poverty guidelines used for the Food Stamp Program are the same as those for the Child Nutrition Program which, by law, are based on changes in the Consumer Price Index for the 12-month period ending in April.

APPENDIX A [AMENDED]

Therefore, in line with the recently issued 1977 Secretary's guidelines (42 FR 29030), the maximum allowable income standards are increased for the one-person household from $245 to $262 and for the two-person household from $322 to $344. The following table should be substituted for the table now appearing in FR Doc. 77–15838 at page 22357 in the FEDERAL REGISTER of May 3, 1977.

Household size:	*Maximum allowable monthly income standards—48 States and District of Columbia*
1	[1] $262
2	[1] 344
3	447
4	567
5	673
6	807
7	893
8	1,020
Each additional member	+127

[1] 1977 USDA poverty guidelines.

Also, the table shown on page 22357 headed "Monthly Coupon Allotments and Purchase Requirements" is amended for the one-person household at the level of income of $250 to $269.99 by inserting a purchase requirement of $42; and for the two-person household at the income level of $330 to $359.99, by inserting a purchase requirement of $74.

In view of the need for placing this notice into effect on July 1, 1977, and the mandatory nature of the subject matter, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: July 7, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-19328 Filed 7-11-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE, (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Peach Comodity Committee Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document authorizes expenses of $842,071 and a rate of assessment of $0.065 per lug of peaches for the functioning of the Peach Commodity Committee for teh 1977–78 fiscal year. The committee is established under a

Federal marketing order program regulating the handling of fresh pears, plums, and peaches grown in California. The regulation will enable the committee to collect assessments from first handlers on all assessable peaches handled and to use the resulting funds for its expenses.

DATES: Effective for fiscal period March 1, 1977, through February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: On June 15, 1977, notice of rulemaking was published in the FEDERAL REGISTER (42 FR 30513) regarding proposed expenses and the related rate of assessment for the fiscal period beginning March 1, 1977, and ending February 28, 1978, and the carryover of unexpended 1976-77 assessment income pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The notice invited interested persons to submit written data, views, or arguments through June 30, 1977. No such material was submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matter presented, including the proposals set forth in the notice which were submitted by the Peach Commodity Committee (established pursuant to said marketing agreement and order), it is found and determined that:

§ 917.219 Peach Commodity Committee expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1977, through February 28, 1978, will amount to $842,071.

(b) *Rate of assessment.* The rate of assessment for the fiscal period payable by each handler in accordance with § 917.37 is established at six and five-tenths cents ($0.065) per No. 22D standard lug box of peaches, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 28, 1977, shall be carried over as a reserve in accordance with the applicable provisions of § 917.38.

(d) *Terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture."

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of California peaches are underway; (2) the provisions of the amended marketing agreement and this part require that the rate of assessment shall apply to all fresh assessable peaches handled from the beginning of the fiscal period; and (3) the fiscal period began March 1, 1977, and the rate of assessment as fixed will automatically apply to all peaches beginning with that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: July 6, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19927 Filed 7-11-77;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1202—SAFETY STANDARD FOR MATCHBOOKS

Clarification to Final Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Clarification to final standard.

SUMMARY: On May 4, 1977, the Commission published a final safety standard for matchbooks. In this publication the Commission is clarifying the required striking force to be used in the test procedures that are contained in the standard. This clarification is necessary because there was a discrepancy between the preamble and the text of the final standard.

DATES: The clarification is immediately applicable and it becomes effective with the final standard on May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Estes, Bureau of Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6518).

SUPPLEMENTARY INFORMATION: The Commission published in the FEDERAL REGISTER on May 4, 1977, a final safety standard for matchbooks (42 FR 22656-70). Since that time a number of matchbook manufacturers have raised questions concerning the procedures, used to test for performance defects, that are set forth in § 1202.6 of that standard. The Commission believes that a clarification would be helpful to an understanding of these test procedures.

Section 1202.6(d)(2) of the standard provides test procedures to determine if matchbooks meet the performance requirements of § 1202.5 of the standard. Section 1202.6(d)(2)(i)(A) of the standard provides the procedure for striking a bookmatch.

A question was raised concerning the force exerted on a matchbook during the striking motion, as required by § 1202.6(d)(2)(i)(A) of the standard. The test procedure described in § 1202.6(d)(2)(i)(A) of the standard is accurate as issued in final form on May 4, 1977 (42 FR 22669):

> Press the matchhead against the strip 6.4 mm (¼ in) from the top of the friction pad with an initial force of 4.5-0+.04 N (1.0-0+.1 lbf). Strike the match with a rapid downward motion. The contact between the matchhead and the friction should be maintained for at least a distance of 1.3 cm (0.5 in), but should not exceed 3.8 cm (1.5 in) during the striking motion (see Figure 2). The striking force must not exceed 0.7 N (1.5 lbf) during the striking motion. The striking stroke should be terminated within 7.6 cm (3 in) after leaving the bottom edge of the friction.

The discussion of the test procedure in the preamble to the final standard (42 FR 22664) was misleading and is the subject of this clarification. Contrary to a statement in the preamble, it is not necessary that a force of 1.0-1.5 lbf be maintained during the striking motion.

The Commission will test for compliance according to the procedures contained in the text of the final standard as quoted above. The initial striking force will be 1.0-1.1 lbf and the maximum force will not exceed 1.5 lbf while striking.

The discrepancy between the standard and preamble came about as the result of late comments which indicated that maintaining a force of 1.0-1.5 lbf throughout the strike was not representative of the manner in which matches are normally struck and could increase the probability of matchhead fragmentation.

The Commission concurred with this comment and as a result the standard was changed to require an initial force of 1.0-1.1 lbf, with an upper limit during the striking motion of 1.5 lbf. This change was not reflected in the preamble discussion of test procedures, which primarily addressed the upper force limit and not the striking procedures.

Dated: July 7, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-19908 Filed 7-11-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5842]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Rescission of Rule Requiring Summaries of Registration Statements

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of rule.

SUMMARY: The Commission is rescinding a rule which required corporations to submit with an initial filing of a registration statement a brief descriptive summary of the registration statement for the Commission's use. The summary, which was used to prepare notices of

filing of registration statements included in the SEC News Digest, is no longer being required because the Commission believes that the Commission staff can write the necessary shorter News Digest notices.

EFFECTIVE DATE: July 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Linda Griggs, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-755-1750).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it has rescinded Rule 458 (17 CFR 230.458) promulgated under the Securities Act of 1933 (the "Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Rule 458 (Brief Descriptive Summary of Registration Statement) required corporations to furnish to the Commission a summary of the offering as a part of the materials accompanying the initial filing of a registration statement on forms other than Form S-8 (17 CFR 239.16b) or Form S-12 (17 CFR 239.19) under the Act. The rule calls for the inclusion of certain specified information in the summary.

The staff of the Commission has used the Rule 458 summaries in the preparation of the notices of filing of registration statements included in the SEC News Digest. The Commission has rescinded the rule because it believes that the notices should be shortened and that the staff can write notices containing the appropriate amount of information. Henceforth, the notices in the News Digest will include the following information: (1) The file number; (2) the form on which the registration statement is filed, (3) the name, address, and phone number of the issuer of the security, (4) the title and the number or face amount of the securities being offered, (5) the name of the managing underwriters, if any; and (6) whether the offering is a rights offering.[1]

§ 230.458, Brief descriptive summary of registration statement, is hereby rescinded.

This action is taken pursuant to section 19(a) of the Securities Act of 1933. The Commission finds that this action relaxes a burden upon registrants and that publication for comment pursuant to the Administrative Procedure Act of 1946 (5 U.S.C. 553) is not necessary.

This action is effective immediately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77-19913 Filed 7-11-77;8:45 am]

[1]The availability of this information on the cover page of a prospectus makes it readily accessible to the editors of the News Digest.

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER C—FEES AND FUNDS

[Departmental Reg. 108.741]

PART 21—FEES FOR SERVICES IN THE UNITED STATES

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Consular Services—Change in Fees

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule combines the two schedule of fees charged for consular services performed in the United States and its Foreign Service posts into one schedule of fees. This action will enable the Department to carry out consular services and ensure that its fees are consistent with U.S. foreign policy interests and with the user charge principle as prescribed by the Congress and applied by the President.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Hugh Adamson, 202-632-9010.

SUPPLEMENTARY INFORMATION: On May 26, 1977 there was published in the FEDERAL REGISTER (42 FR 26994) a notice of proposed rulemaking inviting interested persons to submit comments concerning the proposed combination and revision of fees for consular services. No comments were received; therefore, except for a change in the effective date (§ 22.8), and minor printing errors, this regulation is adopted as set forth below. Parts 21 and 22 of Title 22 of the Code of Federal Regulations will read as set forth below.

Dated: June 29, 1977.

For the Secretary of State.

RICHARD M. MOOSE,
Deputy Under Secretary for Management.

1. Part 21 is vacated and reserved as follows:

PART 21—[RESERVED]

2. Part 22 now reads as set forth below:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Sec.

AUTHORITY: Secs., 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 483a; 22 U.S.C. 1291), E.O. 10718, 22 FR 4632; 3 CFR, 1954-1958 Comp. page 382.

§ 22.1 Schedule of fees.

Item No.	PASSPORT AND CITIZENSHIP SERVICES	Fee
1	Execution of application for passports (22 U.S.C. 214)	$3.00
2	Examination of passport application executed before a foreign official	3.00
3	Issuance of passport (22 U.S.C. 214)	10.00
	(Item No. 4 vacant.)	
5	Issuance of card of identity and registration	5.00
6	Execution of application for or issuance of passport:	
	(a) To officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U.S.C. 214)	No fee
	(b) To American seamen who require a passport in connection with their duties aboard an American flag-vessel (22 U.S.C. 214)	No fee
	(c) To widows, children, parents, brothers, or sisters of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214)	No fee
	(d) To employees of the American National Red Cross proceeding abroad as a member of the Armed Forces of the United States (10 U.S.C. 2602(c)	No fee
	(e) To Peace Corps volunteers and volunteer leaders, who are deemed to be employees of the United States for purposes of exemption from passport fees (22 U.S.C. 2504(h)	No fee
7	Amendment of passport:	
	(a) To show current or new information, including changes in members of family	No fee
	(b) To correct administrative error	No fee
	(c) To extend time limitation	No fee
8	Verification of passport	No fee
9	Execution of application for registration	No fee
10	Execution of affidavit in regard to American birth in connection with application for passport or citizenship determination	No fee
11	Administering the oath of allegiance to a native-born American woman who lost her citizenship solely by marriage to an alien	No fee
12	For delivery to the applicant of a certified copy of an executed form:	
	(a) Of repatriation of a native-born American woman whose marital status with an alien terminated prior to Jan. 13, 1941	3.00
	(b) Of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U.S.C. 1435)	3.00
	(c) Of repatriation under the act of July 20, 1954 (8 U.S.C. 1438 supp.) of a person who while a citizen of the United States lost his citizenship by voting in Japan between Sept. 2, 1945, and Apr. 27, 1952, inclusive	3.00
13	Documents relating to births, marriages or deaths of American citizens abroad where reported to a Foreign Service post:	
	(a) Registration of birth of American citizen, including furnishing 1 Certification of Birth and 1 copy of form FS-240 "Report of Birth Abroad of a Citizen of the United States of America"	6.00
	(b) "Certificate of Witness to Marriage" in quadruplicate	45.00
	(c) Authentication of original documents of marriage, per copy	3.00
	Certified copies of the above documents may be obtained from the Passport Office, Department of State, Washington, D.C. 20524, per copy	3.00
	(d) "Report of Death of an American Citizen" and sending 1 copy each to legal representative and to closest known relative or relatives	No fee
	Additional certified copies may be obtained from the Office of Special Consular Services, Department of State, Washington, D.C. 20520, per copy	3.00
14	Documents from passport files and related records (except as specified in item 13):	
	(a) For file search	6.00
	(b) For duplicating by photocopy or other such means each copy of each page	.15
	(c) For certifying of a true copy for each copy of each page	1.00
	(d) For certifying by letter under official seal a statement or extract from passport files or a statement that no record of a passport file can be located (plus $6 search charge 14a)	1.00
15	Any service described in item 14 when:	
	(a) Required for official use by an agency of the Federal Government or of any of the States or their subdivisions or of the District of Columbia, or of any of the territories and possessions of the United States	No fee
	(b) Performed in response to a subpena or other order of a court. (However, fees are chargeable when the service is for the benefit of a party in interest and a court order or subpena is issued in his behalf.)	No fee
	(c) Performed in providing to a party in interest, a copy of the transcript of a hearing held before a panel, board, or other authority of the Department	No fee
16	Granting an exception under 22 CFR 53.2(h) of travel control regulations	25.00
17	For any passport service furnished in the United States upon request during nonregular duty hours. (This fee is in addition to any statutory fees or communication costs.)	10.00
18	Instant photo service, where offered by a Foreign Service post, for each pair of identical photographs	3.00
	(Item No. 19 vacant.)	

	VISA SERVICES FOR ALIENS	
20	Furnishing and verification of application for immigrant visa, including duplicate copy	5.00
21	Issuance of each immigrant visa	20.00
22	Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in appendix C, Visa Handbook of Department of State, as amended from time to time.)	Recip.

Item No.	VISA SERVICES FOR ALIENS—(Continued)	Fee
23	Furnishing and verification of application and issuance of nonimmigrant visa to:	
	(a) An alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of sec. 11 of the agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756)	No fee
	(b) An official representative of a foreign government, or an international or regional organization of which the United States is a member	No fee
	(c) An alien participating in a U.S. Government program	No fee
24	Visa or supplemental visa of alien crew list up to 40 crew members	10.00
	41 to 100 crew members	25.00
	101 to 200 crew members	45.00
	Over 200 crew members	60.00
25	Revalidation or transfer of a nonimmigrant visa	Reclp.
	(Item Nos. 26 through 29 vacant.)	
	SERVICES RELATING TO VESSELS AND SEAMEN	
30	Noting marine protest, when required by a master of a foreign or an undocumented vessel	7.00
31	Extending marine protest, when required by master of a foreign or an undocumented vessel	10.00
32	Protest of master against charterers or freighters, when required by master of a foreign or an undocumented vessel	6.00
33	Shipment or discharge of seaman on undocumented vessel, each seaman	14.00
34	Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registry or certificate of American ownership, and investigation	10.00
35	Issuance of provisional certificate of registry or certificate of American ownership	8.00
36	Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U.S.C. 1185)	No fee
	(The consular officer should charge under item 63 for time spent away from the consular office or after duty hours for item No. 30 through 36.)	
	(Item Nos. 37 through 44 vacant).	
	NOTARIAL SERVICES AND AUTHENTICATION	
45	Administering an oath and certificate thereof	3.00
46	Taking the acknowledgment of the execution of a document, and certificate thereof	3.00
47	Certifying under official seal that a copy or extract made from an official or a private document is a true copy. For certifying each copy of each page	1.00
48	Certifying to official character of a foreign notary or other official (i.e. authenticating a document)	3.00
49	Administering oaths, taking acknowledgments, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder	3.00
50	Administering an oath and certificate thereof for petition for immediate relative, nonimmigrant fiance(e), temporary worker nonimmigrant intracompany transferee, or preference immigrant status	3.00
51	Administering oaths or taking acknowledgments, or authenticating the signatures of officials, in connection with kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U.S.C. 627)	10.00
52	For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government	3.00
53	Authenticating a Federal, State or territorial seal, or certifying to the official status of an officer of the U.S. Department of State, or of a foreign diplomatic or consular officer accredited to or recognized by the U.S. Government, on any document submitted to the Department for that purpose	3.00
	(Item number 54 vacant.)	
55	Noting of a negotiable instrument for want of acceptance or payment, certifying to protest, and giving notice to issuer and endorsers when requested to do so. (In addition to this fee the consular officer should charge under item 63 for time spent away from the consular office or after duty hours in presentment of the instrument for acceptance or payment.)	8.00
	(Item Nos. 56 and 57 vacant.)	
58	Services under the heading, "Notarial Services and Authentications", when rendered:	
	(a) In connection with the execution of forms or documents required by or to be presented to any department or agency of the Federal Government	No fee
	(b) In connection with the execution of forms or documents required by or to be presented to the States and their subdivisions, the District of Columbia, or any of the territories or possessions of the United States	No fee
	(c) In connection with the assignment and transfer of U.S. bonds or other Federal financial obligations or the execution of powers of attorney therefor to collect interest thereon	No fee
	(d) To claimants and beneficiaries and their witnesses, in connection with Federal, State, and municipal allotment, pension, retirement, insurance, medical compensation, or like benefits	No fee
	(e) In the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof	No fee
	(f) To American citizens, while outside the United States, in preparation of ballots to be used in any primary, general, or other public elections in the United States or in territories under their jurisdiction	No fee
	(g) For official noncommercial use by a foreign government or by an international agency of which the Government of the United States is a member	No fee
	(h) To an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy	No fee
	(i) To U.S. Government personnel and Peace Corps volunteers or their dependents officially stationed or traveling in a foreign country	No fee
59	Affidavit on preparation and packing of remains	No fee
60	Consular mortuary certificate	No fee
	(Items 61 through 64 vacant.)	
65	In taking depositions or executing commissions to take testimony:	
	(a) For the services of a diplomatic or consular officer. (for each hour or fraction thereof.)	37.00
	(b) For the services, if required, of a staff member of the Foreign Service as interpreter, stenographer, or typist. (For each hour or fraction thereof.)	11.00
	(c) If services of (a) or (b) above are required to be performed away from office or afterduty hours, the charge shall be as follows for each hour or fraction thereof for:	
	(1) American employee	61.00
	(2) Foreign Service local employee	22.00
	(Transportation and incidental expenses as defined in item 63 shall be collected if applicable to services performed under (a), (b), or (c) above.)	
66	Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 18 U.S.C. 3495	No fee
67	Providing seal and certificate for return of letters rogatory executed by foreign officials	12.00
	(Item Nos. 68 and 69 vacant.)	
	DECEDENTS AND DECEDENTS' ESTATES	
70	Taking into possession under 22 U.S.C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, inventorying, selling, and finally disposing thereof according to law, for each $100 of inventory value or fraction thereof	$5.00
71	Service as described under item 70 above when performed in the case of a deceased officer or employee of the United States	No fee

Item No.	DECEDENTS AND DECEDENTS' ESTATES—(Continued)	Fee
72	Placing or removal of official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody	No fee
73	Arrangements for shipping or other disposition of remains	No fee
	(Item No. 74 vacant.)	
	COPYING, RECORDING AND PROCTORING	
75	For typing a copy of a document or extract of a document. (For each 200 words or part thereof)	2.00
76	For photocopying or otherwise duplicating a document. (For each copy of each page)	.15
	(This fee does not apply to such customary activities as issuance of copies of records; (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the posts's library or the library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.)	
	(Item No. 77 vacant.)	
78	Supervising or proctoring an examination at the request of an agency or instrumentality of the Federal or a State Government by a consular or other officer, including completion of a certificate without seal, for each hour or fraction thereof, unless the cost thereof is reimbursable to the Department of State by an agency or instrumentality of the Federal or a State Government	37.00
	(Item Nos. 79 through 81 vacant.)	
	OTHER SPECIAL CONSULAR SERVICES	
82	Preparing and sending interested party messages for the primary benefit of nongovernment individuals, organizations or groups:	
	(a) From Department of State to Foreign Service post	15.00
	(b) From a Foreign Service post to the Department of State	15.00
83	Translating of documents to assist nongovernment individuals, organizations, or groups. (For each quarter hour or fraction thereof of staff employee time.)	3.00
84	U.S. Selective Service Registration in a foreign country	No fee
85	Distribution of U.S. Treasury checks to Federal beneficiaries	No fee
86	Searching for and forwarding a document requested from a Foreign Service post by a nongovernment individual, organization, or group (for each document)	6.00
	(Item Nos. 87 through 90 vacant)	
91	Collection of fees by a Foreign Service post for: Services performed by Department of State offices within the United States under this schedule of fees; services performed under sec. 6.14 of title 22, Code of Federal Regulations (Freedom of Information services)	No fee
	EXEMPTION FOR FEDERAL AGENCIES AND CORPORATIONS	
92	Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock	No fee
	SERVICE RENDERED AWAY FROM OFFICE OR AFTER DUTY HOURS IN A FOREIGN COUNTRY	
93	Except for instances of common disaster (i.e. ship wrecks, air crashes, etc.) or evacuations, a surcharge for services when rendered elsewhere than at a Foreign Service post or after duty hours at the request of the parties, shall be added to the regular fee for each quarter hour or fraction thereof for:	
	(1) American employee	6.00
	(2) Foreign Service local employee	3.00
	(In addition to the surcharge prescribed above, transportation and other incidental costs actually and necessarily incurred by officers or staff employees of the Foreign Service shall be collected from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.)	

§ 22.2 Requests for services in the United States.

(a) *Requests for records.* Requests by the file subject or his/her authorized agent for services involving U.S. passport applications and related records, including consular birth and marriage records, shall be addressed to Passport Office, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify if a Consular Report of Birth (long form) or Certification of Birth (short form) is desired. Requests for certified copies of Report of Death of an American citizen shall be addressed to Office of Special Consular Services, Department of State, Washington, D.C. 20520. Advance remittance of the exact fee is required for each service.

(b) *Authentication services.* Requests for authentication services including documents presented to the Department of State for authentication, accompanied by remittance of the exact total fee chargeable, shall be addressed to the Authentication Officer, Department of State, Washington, D.C. 20520.

§ 22.3 Remittances in the United States.

(a) *Remittances in the United States.* Remittances shall be in the form either of (1) check or bank draft drawn on a bank in the United States, (2) money order, postal, international or bank, or (3) U.S. currency. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(b) *Exact payment of fees.* Fees must be paid in full prior to issuance of requested documents. If uncertainty as to the existence of a record or as to the number of sheets to be copied precludes remitting the exact fee chargeable with the request, the Department of State will inform the interested party of the exact amount required.

§ 22.4 Requests for services, Foreign Service.

Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this schedule, in coin of the United States or at its representative value in exchange (22 U.S.C. 1202). For definition of representative value in exchange, see § 23.4 of this chapter. No fees named in this schedule shall be charged or collected for the official services to American vessels and seamen (22 U.S.C. 1186). The term "American vessels" is defined to exclude, for the purposes of this schedule, undocumented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a U.S. Government department or agency and engaged exclusively in official business on a non-commercial basis. This schedule of fees shall be kept posted in a conspicuous place in each Foregin Service office, subject to the examination of all persons interested therein (22 U.S.C. 1197).

§ 22.5 Remittances to Foreign Service posts.

Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the "American Embassy (name of city)" (or American Legation, American Consulate General, or American Consulate, as the case may be). This will permit encashment of negotiable instruments for deposit in the Treasury, when not negotiated locally, see § 23.2 of this chapter.

(a) *Time at which fees become payable.* Fees are due and payable prior to issuance or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

(b) *Receipts for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Schedule of Fees for Consular Services-Department of State and Foreign Service (§ 22.1), shall give receipts for fees collected for the official services rendered, specifying the nature of the service and numbered to correspond with entries in a register maintained for the purpose (22 U.S.C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts, see § 92.2 of this chapter.

(c) *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 22.6 Refund of fees.

Fees which have been collected for deposit in the Treasury are refundable (a) as specifically authorized by law (see 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U.S.C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U.S.C. 8 concerning fees improperly imposed on vessels or seamen), (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic consular post) finds upon review of the facts that the collection was erroneous under applicable law and regulation is made by the Department of State with a view to payment of the refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected at the direction of the responsible consular office. See § 13.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 22.7 Collection and return of fees.

No fees other than those prescribed in the Schedule of fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of his/her office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99, 1942 Edition, as amended by sec. 1131 (26) of the Foreign Service Act of 1946, 60 Stat. 1037, and as modified by 22 U.S.C. 812 of the 1952 Edition). For receipt, registry, and numbering provisions, see § 22.5(c).

§ 22.8 Effective date.

The charges hereby established will become effective on September 1, 1977 with respect to all services rendered pursuant to requests received in the Department of State and the Foreign Service on or after the effective date.

[FR Doc.77-19907 Filed 7-11-77;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER XV—FEDERAL RESERVE SYSTEM

[R-0106]

PART 1505—LOAN GUARANTEES FOR DEFENSE PRODUCTION (REG. V)

Change of Guaranteeing Agency

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Regulation V is being amended to reflect that the name of the Defense Supply Agency has been changed to the Defense Logistics Agency.

EFFECTIVE DATE: This amendment becomes effective June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph C. Maurer, Credit Specialist, Division of Federal Reserve Bank Operations, Board of Governors of the Federal Reserve System, Washington, DC 20551, 202-452-3174.

SUPPLEMENTARY INFORMATION: Effective January 1, 1977, the name of the Defense Supply Agency was changed to the Defense Logistics Agency. The purpose of this amendment is to reflect this name change by substituting the renamed agency in the list of Federal departments and agencies authorized to guarantee V-Loans. This action is taken pursuant to the Board's authority under Defense Production Act of 1950 and Executive Order No. 10480 of August 14, 1953, as amended.

The change made by this amendment is a technical one designed to conform Regulation V to directives issued by the Department of Defense. Therefore, the Board for good cause finds that the procedures prescribed by the provisions of section 553 of Title 5, United States Code, relating to notice, public procedure, and deferred effective date are unnecessary and would serve no useful purpose.

Section 1 [Amended]

Effective immediately, section 1 of Regulation V (Loan Guarantees for Defense Production) of the Board of Governors is amended by deleting "the Defense Supply Agency" and substituting the phrase "the Defense Logistics Agency."

By order of the Board of Governors, June 30, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-19926 Filed 7-11-77;8:45 am]

Title 34—Government Management

CHAPTER II—GENERAL SERVICES ADMINISTRATION

SUBCHAPTER E—MANAGEMENT SYSTEMS

PART 271—CENTRAL SUPPORT SERVICES

Centralized Services in Federal Buildings

CROSS REFERENCE: For a document which deletes and reserves the provisions of 34 CFR Part 271, see FR Doc. 77-19882 appearing under Title 41 in the Rules and Regulations section of this issue.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Haverhill Paperboard Corporation, Haverhill, Massachusetts is approved to burn 1.4 percent sulfur content residual fuel oil in accordance with the recently revised Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," for the Merrimack Valley Air Pollution Control District. Haverhill Paperboard Corporation was required to continue burning 1.0 percent sulfur content fuel until further information showed that they could burn a specified higher sulfur content fuel without causing violations of the National Ambient Air Quality Standards for sulfur dioxide.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Wallace Woo, Air Branch, Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10872), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implementation Plan for attainment of National Ambient Air Quality Standards (NAAQS).

On December 30, 1976 (41 FR 56804) the Administrator approved a revision to Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," of the State Implementation Plan (SIP) which permits fossil fuel utilization facilities in the Merrimack Valley Air Pollution Control District (MVAPCD) to burn fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil by weight) until May 1, 1978. The MVAPCD is the same geographic area as the Massachusetts portion of the Merrimack Valley—Southern New Hampshire Interstate Air Quality Control Region (AQCR). Use of the higher sulfur content fuel by fossil fuel utilization facilities of over 100 million Btu/hr energy input capacity is contingent upon application for and receipt of written approval from the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department). Excluded from this revision are

the City of Lawrence, and the Towns of Andover, Methuen, and North Andover. Sources in these areas remain subject to the previously approved requirements of Regulation 5.1, which stipulate that sources are permitted to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight).

Haverhill Paperboard Corporation, Haverhill, Massachusetts was not approved to implement the provisions of the revision because violations of the NAAQS for SO_2 are predicted if the plant were to burn 2.2 percent sulfur content fuel oil. However, on December 30, 1976 the Massachusetts Department submitted additional conditions and technical information, and an EPA review of these data shows that the plant could burn fossil fuel having a sulfur content not in excess of 0.75 pounds per million Btu heat release potential (approximately equivalent to 1.4 percent sulfur content residual fuel oil by weight) without violating the NAAQS for SO_2. On April 13, 1977 (42 FR 19359) the Regional Administrator published a Notice of Proposed Rulemaking indicating that he was considering approval of Haverhill Paperboard Corporation to burn 1.4 percent sulfur content fuel oil. Haverhill Paperboard Corporation is required to apply for and receive written approval from the Massachusetts Department before burning the specified higher sulfur content fuel, and will be required to conform to all other provisions of the revised Regulation 5.1.

No comments were received during the 30-day comment period.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. § 1857c-5(a).)

Dated: July 5, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

SUBPART W—MASSACHUSETTS

1. Section 52.1120(c), paragraph (8) is revised to read as follows:

§ 52.1120 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(8) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Merrimack Valley Air Pollution Control District, submitted on January 28, 1976, and additional technical information pertinent to the Haverhill Paperboard Corporation, Haverhill, Massachusetts, submitted on December 30, 1976, by the Secretary of Environmental Affairs.

2. In § 52.1126, paragraph (e) is revised to read as follows:

§ 52.1126 Control strategy: Sulfur oxides.

* * * * *

(e) Massachusetts Regulation 5.1 for the Merrimack Valley Air Pollution Control District, excluding the City of Lawrence and the Towns of Andover, Methuen, and North Andover, submitted on January 28, 1976, is approved except as to the following source which is limited to burning fossil fuel having a sulfur content not in excess of 0.75 lb. per million Btu heat release potential (approximately equivalent to 1.4 percent sulfur content residual fuel oil by weight):

Haverhill Paperboard Corporation, Haverhill, Massachusetts.

[FR Doc.77-19980 Filed 7-11-77;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Pretreatment Standards For Existing Sources; Interim Final Regulations

AGENCY: Environmental Protection Agency.

ACTION: Interim final regulation.

SUMMARY: These regulations limit the concentrations of certain pollutants which may be discharged into publicly owned treatment works by electroplating operations. The purpose is to regulate those pollutants which interfere with, pass through, or are otherwise incompatible with the operation of treatment works. The Federal Water Pollution Control Act requires these regulations to be issued. The effect of these regulations will be to require pretreatment of waste water by operations which do electroplating and which discharge waste water into publicly owned treatment works.

EFFECTIVE DATE: July 12, 1977.

ADDRESS: Send comments to: Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, (WH-552) Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. (202) 426-2560.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 28, 1974, EPA promulgated a regulation adding Part 413 to Title 40 of the Code of Federal Regulations (39 FR 11510). That regulation (the "Phase I regulation") with subsequent amendments (the "Phase II regulation") (40 FR 18130, April 24, 1975) established effluent limitations guidelines for existing sources in five subcategories and standards of performance and pretreatment standards for new sources in one subcategory. Proposed revisions and additions setting forth effluent limitations guidelines based on "best available technology economically achievable" (BAT), pretreatment standards for new and existing sources, and standards of performance for new sources were also published for five subcategories (39 FR 11515, March 28, 1974 and 40 FR 18140, April 24, 1975). The history of rulemaking for the category by the Agency prior to December 1976 is described in greater detail in 41 FR 53018 (December 3, 1976).

On December 3, 1976, the Agency suspended the promulgated effluent limitations guidelines based on "best practicable control technology currently available" (BPT). The effluent limitations guidelines based on "best available technology economically achievable (BAT), new source performance standards, and pretreatment standards for Subpart A of the Electroplating Point Source Category (41 FR 53081) were revoked. The Agency also withdrew its notices of proposed rulemaking for the category (41 FR 53070). The Agency took this action for the purpose of reevaluating the appropriateness of limitations and standards earlier established in light of new data and further analysis.

The pretreatment standards for existing sources which were originally proposed were based on the data and analysis relied upon in promulgating the BPT regulations. The effort to conduct new data gathering and analyses as a basis for reevaluation of the BPT regulations was thus expected to encompass the proposed pretreatment regulations as well. The interim final regulations set forth below take into account the additional study which has been conducted over the past several months.

Pretreatment standards are established for pollutants discharged into publicly owned treatment works (POTW) from existing sources which fall within the following subcategories of the Electroplating Point Source Category: Electroplating of Common Metals Subcategory (Subpart A); Electroplating of Precious Metals Subcategory (Subpart B); Anodizing Subcategory (Subpart D); Coatings Subcategory (Subpart E); Chemical Etching and Milling Subcategory (Subpart F); Electroless Plating (Subpart G) and Printed Circuit Boards (Subpart H). Subparts G and H are new subcategories which are established by this regulation. The content of the standards is discussed in detail below under Summary of Standards.

LEGAL AUTHORITY

These regulations are promulgated pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act), which requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works (POTW).

SUMMARY OF STANDARDS

These regulations establish two sets of pretreatment requirements for the

subcategories mentioned. The first set, the "prohibited discharge" standards, are designed to prevent inhibition of, or interference with, publicly owned treatment works, by prohibiting the discharge of pollutants of a nature or in a quantity that would endanger the mechanical or hydraulic integrity of the works. Except for minor changes, these prohibited discharge standards are identical to the prohibitions contained in the general pretreatment regulation now found at 40 CFR 128.131.

The second set of standards, known as "categorical" pretreatment standards, contain specific numerical limitations based on an evaluation of available technologies in a particular industrial subcategory. The specific numerical limitations are arrived at separately for each subcategory, and are imposed on pollutants which may interfere with, pass through, or otherwise be incompatible with publicly owned treatment works. For plants with an average daily flow of 40,000 gallons or more, the present regulations specifically limit the concentrations of total cyanide, amenable cyanide, hexavalent chromium, and the pH range for wastes discharged into a POTW. For plants with an average daily process waste water flow of less than 40,000 gallons, limitations on only amenable cyanide are imposed at this time, due to preliminary indications that these plants might experience relatively severe economic problems if more stringent standards were established. Requiring treatment of cyanide is the logical first step, since destruction of cyanide is a prerequisite for any subsequent removal of metals.

However, the Agency in the near future will issue in proposed or interim form additional limitations for some or all portions of the industry, based on further analysis. First, the Agency will issue limitations on total cyanide, hexavalent chromium, and pH for some or all of the plants which will be subject only to limitations on amenable cyanide under the regulations which are currently being promulgated. Secondly, the Agency will issue limitations on metals for certain portions of the industry. As discussed below, the reasons for the Agency's decision to issue regulations in stages are closely related to the ongoing effort to develop an accurate economic picture of this industry. Decisions regarding the appropriate stringency and scope of the additional standards will depend upon the outcome of current efforts to characterize the most vulnerable parts of the industry and to determine the possible economic impacts of various levels of regulations.

Because the present interim final regulations provide for up to three years for compliance (see Compliance Date, below), the issuance of regulations in two stages should not materially affect the process of planning for and installing the necessary treatment technology. The time necessary for compliance will again be considered when new regulations are promulgated and when existing regulations are finalized.

The Agency is also in the process of formulating new BPT regulations as well as standards of performance and pretreatment standards for new sources. The Agency expects to issue these regulations in the near future.

For the purpose of clarity, the subcategories affected by the present regulations are exempted from 40 CFR Part 128. The provisions of the present regulation overlap considerably with the language of 40 CFR Part 128. 40 CFR Part 128 was proposed on July 19, 1973 (38 FR 19236), and published in final form in November 1973 (38 FR 30982). It limits the discharge of pollutants which pass through or interfere with the operation of publicly owned treatment works, but it does not set numerical limitations or explicitly list particular pollutants to be regulated. The provisions of 40 CFR Part 128 have sometimes been a source of confusion in the past. New general pretreatment regulations have been proposed (42 FR 6476, February 2, 1977) which will revoke and replace 40 CFR Part 128 upon promulgation. Therefore, the general pretreatment requirements set forth in 40 CFR Part 128 are superseded with respect to the subcategories governed by the present regulations. All pretreatment requirements currently applicable to the subcategories listed are included in the regulations set forth below. When the new general pretreatment regulations are promulgated, these standards will be reviewed for consistency with the new general policies.

Technical Basis for Standards

The technical analysis upon which these regulations are based included an identification of the principal waste water pollutants generated by this industry, a consideration of the extent to which these pollutants interfere with or pass through POTW, and a study of the various pretreatment technologies which are available for controlling the discharge of such pollutants. Information gathered in an ongoing technical study of direct and indirect dischargers for this industry was used as the primary basis for assessing available pretreatment technologies. Additionally, data gathered earlier in support of the direct discharge limitations under sections 301 and 304 as well as data submitted by the industry were used. Appendix A summarizes these data and the analysis used in developing these limitations. The details of these studies are set forth in the "Pretreatment Report Supplementing the Interim Final Development Documents for the Electroplating Point Source Category", the "Development Document for Interim Final Effluent Limitations Guidelines for the Common and Precious Metals, and Metal Finishing Segments of the Electroplating Point Source Category", and the "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Copper, Nickel, Chromium and Zinc Segment of the Electroplating Point Source Category". The Agency also relied upon a report entitled "A Survey of Three Exemplary Electroplating Waste Treatment Systems".

Economic Impact Analysis

In establishing the present regulations, the Agency has studied and taken into account the potential economic impact on the industry of implementing the standards. The analyses which have been undertaken are described in Appendix A. The details of the economic studies are set forth in a report entitled "Preliminary Economic Analysis of Interim Final Pretreatment Standards for the Electroplating Point Source Category, May, 1977."

Total investment costs for the metal finishing job shops to comply with the standards are estimated to be 38 million dollars. Annualized compliance costs are estimated to be 15 million dollars per year including both capital charges and operating and maintenance costs. It is estimated that 235 metal finishing job shops representing 5,900 jobs may close as a result of the standards. This represents eight percent of the firms and nine percent of the employment in the job shop sector of the industry.

Executive Orders 11821 and 11949, and OMB Circular A-107 require that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. It is hereby certified that the inflationary impact of these standards has been evaluated in the economic impact analysis.

Future Regulations

The present standards represent a minimal level of control which leaves unregulated many harmful pollutants which pass through or interfere with the operation of a POTW or have deleterious effects on the sludge resulting from the operation of such treatment works. The Agency is considering establishing regulations in addition to those which are now being promulgated. In particular, the Agency has considered the need for limitations on metals, as well as limitations on pH, total cyanide, and hexavalent chromium for those plants which are currently subject only to limitations on amendable cyanide. The harmfulness of such pollutants is known, as is the technology for controlling these discharges. However, the preliminary results of an economic analysis indicate that the closure rates for implementation of the full range of limitations by all plants may be high. Consequently, limitations on the full set of parameters are not being promulgated at this time. The Agency, however, will issue further limitations for some or all portions of the industry in the near future, after additional economic analysis has been completed.

Particular attention is being devoted to the representativeness of the data base, the accuracy of the financial information, the feasibility of alternative sources of capital, and the appropriateness of the compliance cost estimates. The Agency hopes to have a more accurate

economic picture of the industry soon, following further evaluation of the data base, review of the costs which were used, and "reality testing" of the economic model by comparing results with the actual experience of municipalities which have enforced regulations similar to those under consideration. In addition, the Agency is currently studying the industry in an effort to more precisely characterize the most vulnerable portions of the industry and to define those groups of plants which are responsible for the most significant environmental harm. Specific factors under consideration include process mix, flow, sales, number of metal finishing employees, total number of employees, and location. Identifiable differences between captive and job shops will also be considered. The Agency will be looking for factors which might provide the basis for formulating a spectrum of standards for different groups of plants, or for establishing variances or exemptions to a central set of standards.

Comments from the public are particularly solicited. The Agency will issue additional limitations in approximately two months from the date of this promulgation.

Availability of Documents

The EPA technical and economic reports mentioned above are available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460, at all EPA Regional Offices and at State Water Polution Control Offices.

Copies of the supplemental EPA reports described are being sent to persons or institutions affected by the regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). A limited number of additional copies are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated in final rather than interim form, revised copies of the technical documentation will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Virginia 22151.

Public Participation

Numerous agencies and groups have participated at various stages in the development of pretreatment regulations for existing sources in this industry. Comments were solicited when proposed pretreatment standards were issued on March 28, 1974 (Phase I) and on April 24, 1975 (Phase II). Many agencies and groups were also consulted in the course of developing the proposed regulations. Similar opportunities for public participation were also provided in the related development of Phase I and Phase II regulations based upon best practicable control technology currently available. Furthermore, a public hearing on pretreatment standards for the electroplating industry was held on June 10, 1974. On December 3, 1976, the Agency announced that the regulations which had been previously proposed or promulgated would be reevaluated. Since that time the Agency has reconsidered the formulation of pretreatment standards and other regulations in light of all comments which have been received. The Agency has also continued to consult with, and receive comments from, interested agencies and groups. Furthermore, at the request of the National Association of Metal Finishers, the Agency has released split samples for duplicate analysis as well as additional data on the electroplating plants that were selected for sampling and study as a basis for reevaluating the regulations. A summary of public participation in this rulemaking, public comments, and the Agency's response to major issues which have been raised is contained in Appendix B of this preamble.

Effective Date

The Agency is subject to an order of the United States District Court for the District of Columbia entered in "Natural Resources Defense Council (NRDC) v EPA," 8 E.R.C. 2120 (D.D.C. 1976) which requires the promulgation of pretreatment standards for this industry category no later than May 15, 1977. The court order which was entered by the United States Court for the District of Columbia on June 8, 1976, following a consent agreement among the parties to four lawsuits, placed EPA on rigid timetables for the preparation and publication of water pollution regulations for 21 broad industry categories and 65 families of water pollutants.

It has not been practical to develop and republish regulations for this category in a second proposed form and to provide a 30-day comment period within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations prior to promulgation would be impractical and contrary to the public interest. The effective date shall therefore be the date of publication of these regulations.

Compliance Date

Section 301 of the Act anticipates that pretreatment standards for existing sources would be established and compliance would be required before July 1, 1977, while section 307(b) specifies "a time for compliance not to exceed three years from the date of promulgation" of the standard. In view of this conflict of statutory language and the fact that the pretreatment standards are only now being promulgated, the Agency believes that the compliance deadline as set forth in section 307(b) should apply. The time for compliance with the categorical pretreatment standards will be not later than three years from the effective date. However, a Regional Administrator or local or state authority should establish a more expeditious compliance date on an individual basis where it is appropriate. Compliance with the prohibited discharge standards is required immediately upon the effective date of these regulations since these standards are essentially the same as 40 CFR 128.131 and since the deadline for compliance with 40 CFR 128.131 has passed.

Opportunity for Public Comment

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmenal Protection Agency, 401 M St., SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data suggest amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing pretreatment standards, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act. The Agency particularly solicits comments on other technologies for treating metal finishing effluents. All comments received on or before September 12, 1977, will be considered.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460. A copy of the technical studies and economic studies referred to above, and certain supplementary materials will be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

An opportunity for public hearing will be provided shortly after the close of the comment period. The place and time will be announced in a later notice.

Small Business Administration Loans

Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concern in effecting additions to or alteration in equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program write to EPA, Office of Analysis and Evaluation, WH-586, 401 M St. SW., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 413 is hereby amended as set forth below.

Dated: June 30, 1977.

BARBARA BLUM,
Acting Administrator.

APPENDIX A—TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

This Appendix summarizes the basis for interim final pretreatment standards for existing sources in the electroplating point source category.

(1) *General methodology.* The pretreatment standards set forth herein were developed in the following manner: The point source category was first studied for the purpose of determining whether separate standards are appropriate for different segments within the category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The compatibility of each raw waste characteristic with municipal treatment works was then considered. Waste water constituents posing pass-through or interference problems for POTW were identified.

The control and treatment technologies existing within each segment were identified. This included identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which exist or are capable of being designed for each segment. It also included identification of the effluent level resulting from the application of each of the technologies in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants. The problems, limitations, and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology reflected the application of appropriate pretreatment technologies. In identifying such technologies, various factors were considered. These included the total cost of application of technology, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) *Summary of technical analyses*—(i) *Categorization.* Previous regulations for the electroplating point source category were subcategorized on the basis of process considerations. Electroplating was separated from metal finishing processes because electroplating always requires the action of an electrical current to deposit a metallic coating on the basis material acting as an electrode. Metal finishing processes may or may not require a current and may or may not deposit a metallic coat on the basis material. The processes of anodizing, coatings, chemical etching and milling are sufficiently different so as to warrant separate subcategories. Anodizing, usually performed on aluminium, converts the surface of the object to the metal oxide The object serves as the anode. Coatings refer principally to chromating, phosphating, and immersion plating. Each of these processes applies a thin protective coat on the treated object. An electrical current may or may not be applied. Chemical etching and milling involve the dissolution of the basis material.

In restudying the industry for the purpose of establishing pretreatment regulations, it was decided that printed circuit board manufacturing and electroless plating also warrant separate subcategorization because of the unique mixture of electrolytic and electroless plating operations found in these processes. Additionally, these processes produce pollutants which may render normal waste treatment techniques ineffective if proper safeguards are ignored.

Finally, the foregoing subcategorization is consistent with the existing structure of the industry, each subcategory tending to be oriented toward individual markets which do not overlap significantly.

(ii) *Origins and characteristics of waste water pollutants.* Waste water from this industry comes from the pretreatment and post treatment operations as well as the actual metal finishing and electroplating steps. The known significant pollutants and pollutant properties from these operations include pH, total suspended solids, oil and grease, cyanide, chromium, copper, nickel, zinc, cadmium, lead, tin, iron, aluminum, fluoride, phosphorus, silver, palladium, and various precious metals and organic compounds. The present study indicates that many of these pollutants may occur together and that their individual concentrations may exceed 100 mg/l.

Waste water results from the following operations in this industry: (1) Rinsing to remove films of processing solution from the surface of work pieces at the site of each operation, (2) rinsing away spills, (3) washing the air that passes through ventilation ducts so as to remove spray from the air before it is exhausted, (4) dumps of spent solutions, (5) washing of equipment, and (6) cooling water used in heat exchangers to cool solutions in metal finishing processes. Approximately 90 percent of the water consumed is in rinsing. That used as cooling water is usually recycled for rinsing. Operating solutions to be dumped are slowly trickled into the rinse waters prior to treatment

Many of the pollutants which are generated pose significant interference or pass through problems at POTW. The problems posed by the parameters affected by the present regulations are as follows:

(a) *Cyanide.* Cyanides are widely used in the electroplating industry and are among the most toxic of pollutants commonly discharged in industrial waste waters. Cyanide may exist as free cyanide as hydrocyanic acid, or in a complex, bound in varying degree to metals which are also present in wastes from this industry.

Of these three forms, hydrogen cyanide (HCN) is probably the most acutely lethal compound. HCN dissociates in water to hydrogen ions and cyanide ions in a pH dependent reaction. The cyanide ion is less acutely lethal than HCN. The relationship of pH to HCN shows that as the pH is lowered to below 7 there is less than 1 percent of the cyanide molecules in the form of the CN ion and the rest is present as HCN. When the pH is increased to 8, 9, and 10, the percentage of cyanide present as CN ions is 0.7, 42, and 87 percent, respectively. The toxicity of cyanides is increased by increases in temperature and reductions in oxygen tensions. A temperature rise of 10°C produces a two to threefold increase in the rate of the lethal action of cyanide.

In the body, the CN ion, except for a small portion exhaled, is rapidly changed into a relatively non-toxic complex (thiocyanate) in the liver and eliminated in the urine. The safe ingested limit of cyanide has been estimated at amounts less than 18 mg/day, part of which comes from normal environmental and industrial exposure. The average fatal dose of HCN by ingestion by man is 50 to 60 mg. The U.S. Public Health Service recommended limit for drinking water was 0.1 mg/l, with a mandatory maximum of 0.2 mg/l; however, the National Interim Primary Drinking Water Regulations do not limit cyanide.

Cyanides are more toxic to fish than to lower aquatic organisms such as midge larval, crustaceans, and mussels. Toxicity to fish is a function of chemical form and concentration, and is influenced by the rate of metabolism (temperature), the level of dissolved oxygen, and pH. In the laboratory free cyanide concentrations ranging from 0.05 to 0.15 mg/l have been proven to be fatal to sensitive fish species including trout, blue gills, and fathead minnows. Levels above 0.2 mg/l are rapidly fatal for many species. Long term sublethal concentrations of cyanide as low as 0.01 mg/l have been shown to affect the ability of fish to function normally, e.g., reproduce, grow, move freely.

Cyanide forms complexes with metal ions present in waste water. All these complexes exist in equilibrium with HCN. Therefore, the concentration of free cyanide present is dependent on the pH of the waste and the relative strength of the metal-cyanide complex. The cyanide complexes of zinc, cadmium, and copper may dissociate to release free cyanide. Also, where these complexes occur together, synergistic effects have been demonstrated. Zinc, copper, and cadmium cyanide are more toxic than an equal concentration of sodium cyanide.

Iron cyanides are tightly bound complexes and are not extremely toxic. However, iron cyanide readily dissociates when exposed to sunlight. This poses problems for cyanide discharges into a POTW. Ferric chloride is commonly added in a POTW as part of the treatment system. Cyanide in the waste water will readily complex with the iron, remain dissolved, pass through the POTW, and subsequently photodecompose, releasing cyanide to the ambient waters.

A second pass-through problem related to cyanide is caused by chlorination of waste waters by the POTW for the purpose of disinfection. Chlorination has been found to convert residual cyanide into highly toxic cyanogen chloride, which is subsequently released to the environment.

Finally, cyanide can also interfere with the operation of a POTW. Threshold inhibiting concentrations for POTW range from 0.1–5.0 mg/l. Inhibition of activated sludge units has been reported between 0.5–5.0 mg/l. Slug discharges of cyanide have caused complete failure of some POTW.

At lower concentrations, cyanide is partially biodegradeable. However, POTW treatment efficiency is highly variable, with some plants reporting less than 30 percent removal.

(b) *Hexavalent chromium.* Chromium exists in two states, Cr,III and Cr,VI, and it is the latter form that is more toxic. Hexavalent chromium is an irritant, and corrosive, and may be absorbed by inhalation, ingestion, and through the skin. It causes skin ulcers, is a skin sensitizer, can have corrosive effects on the intestinal tract and cause inflammation of the kidneys.

For fish, the range of 96-hour LC*50* values is 10–300 mg/l, including 17.6 mg/l for fathead minnows and 118 mg/l for bluegill. Alevin and juvenile chinook salmon, and

rainbow trout are more sensitive to chromium than adults. Concentrations of 0.01–0.20 mg/l Cr,VI increase alevin mortality and retard growth temporarily. Chromium stress during maturation and spawning is suspected of causing susceptibility to infections. Freshwater zooplankton studies have shown the water flea to be the most sensitive invertebrate to Cr,VI, with a 48-hour *LC50* of 0.022 m/l. It appears that adult fish are relatively tolerant of Cr,VI, but that both freshwater and marine invertebrates are quite sensitive. A Cr,VI level of 0.001–0.002 mg/l is a safe level for invertebrates and fish. The National Interim Primary Drinking Water Regulations limit chromium in drinking water to not more than 0.05 mg/l.

Cr.,VI is toxic to activated sludge. Threshold inhibitory concentrations range from 1–10 mg/l. Inhibition of activated sludge units has been reported between 5–10 mg/l. In many large cities industrial sources are responsible for 72–100 percent of influent chromium concentrations. Current local sewer ordinance limitations range from 0.05–10 mg/l.

Chromium is moderately removed by POTW. There is a great deal of variability among POTW; the average is around 50 percent removal, but for some systems it is as low as 14 percent.

The chromium which does not pass through a POTW is deposited in the POTW sludge. Concentrations of chromium in sludge varied in one study from 20–10,000 mg/kg, with over half of the measurements less than 100 mg/kg. Sludge in Buffalo, New York had concentrations of 2540 mg/kg before implementation of pretreatment standards, and 1040 mg/kg after the regulations were put into effect. The chromium content in municipal sludge can limit the use of the sludge as a soil conditioner. Chromium is mobile in soil, and may readily leach from land fill, or filter into a water supply. This is a significant problem since a large portion of the Nation's water supply comes from underground sources. One Canadian study compared levels of chromium in soil, and vegetation before and after application of sludge, and found that the concentrations in the soil and the plants increased 50 percent after the sludge use. In some agricultural crops chromium can cause reduced growth or death of the crop. Adverse effects of low concentrations of chromium on corn, tobacco and sugar beets have been documented.

(c) *pH.* Extremes of pH or rapid pH changes can exert stress conditions or kill biological life outright. At a pH greater than 10, disruption of a biological treatment system is likely. At a low pH, corrosion of sewer pipes may be caused. Furthermore, at a pH below 7.5, only small amounts of metals are converted to hydroxide form. Since soluble metals tend to pass through POTW untreated, whereas metal hydroxides will tend to be removed in primary clarifiers, pH levels have an important indirect effect on the significance of metal pass-through problems.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for this industry to determine the best practicable pretreatment technologies. This study showed that although there are differences between subcategories in the types and quantities of wastes generated, the same general treatment technologies are available to this entire industrial segment.

Electroplating wastes are typically treated by a number of sequential control techniques. General practice includes segregation and individual treatment of the wastes containing cyanide and chrome followed by the removal of metals by pH adjustment and clarification or filtration in a common treatment system. As discussed elsewhere in the preamble, this regulation does not require removal of the metals. Therefore, the present pretreatment limitations for this industry are based on the following control techniques: The reduction of hexavalent chromium to Trivalent chromium, (2) oxidation of cyanides, and (3) pH adjustment to the range of 7.5 to 10. The use of the technologies discussed below formed the basis of the pretreatment standards which are being established. However, this does not preclude the use of other waste water treatment techniques which provide equivalent or better levels of treatment. Alternate treatment technologies are discussed in the development document.

(a) *Chrome reduction.* Reduction of hexavalent chrome to trivalent chrome is widely practiced within the industry and is typically done using sulfur dioxide at a pH of approximately 2.

Seventy-three plants sampled by the Agency had operating chrome reduction facilities. The number of data points from each plant varied from one to one hundred and thirty-three. The data from each plant were averaged into a single number so that all plants were considered equally. Approximately 60 percent of these plants already meet the limitations specified by this regulation.

(b) *Cyanide destruction.* Cyanide must be treated before treatment for metals removal may take place. If this is not done soluble metal cyanide complexes rather than insoluble metal hydroxides will be formed.

Cyanide destruction is generally done in a two-stage oxidation treatment system using chorine or hypochlorite. The first stage of the reaction oxidizes cyanide to cyanate, and the second, cyanate to nitrogen and carbon dioxide. The amenable cyanide limitations set by this regulation may be achieved by a single stage treatment system that completes the first step in this reaction.

The total cyanide limitation set by this regulation is based on two stage treatment and careful separation of iron, nickel, and certain other metal bearing wastes from the cyanide wastes in order to avoid formation of metal cyanide complexes that are untreatable by established waste treatment technologies. This latter segregation practice is standard good housekeeping procedure and is well established within the industry.

Eighty-five plants sampled during this study had cyanide oxidation facilities. The data from each plant were treated in the same manner as the data on chrome reduction. The limitations set by this regulation based on cyanide oxidation are currently achieved by approximately 60 percent of the data base.

(c) *pH adjustment.* pH control is an established and readily available control technique which was practiced by all of the plants sampled in this study. Typically, the pH is adjusted by adding an acid, such as hydrochloric or sulfuric, or base (lime or caustic) to the waste stream in an agitated tank. pH control is achieved by mixing sufficient amounts of acid or base to the waste to maintain the pH in the desired range.

(iv) *Cost estimates for control of waste water pollutants.* Cost information was obtained from industry, from engineering firms, equipment suppliers, government sources, and available literature whenever possible. Costs based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies were also used.

The foregoing cost information was used to develop and verify a costing program which was then used to cost treatment plants for electroplating establishments of various sizes and compositions. Eighty-one model plants were used to characterize the treatment costs associated with this industry. These models and a summary of the costing methodology are available for public inspection at the EPA Public Information Reference Unit, Room 2922, (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

(v) *Energy requirements and nonwater quality environment impacts.* The energy costs related to the implementation of these regulations are generally limited to electricity required for liquid transfer pumps and agitator motors.

The major nonwater quality consideration which may be associated with these pretreatment standards is the generation and release to the POTW of metal bearing solid wastes. Use of pH adjustment without metals removal by the industrial user generally result in incidental removal of some fraction of the metals at the POTW. Contamination of the sludge from the POTW with these wastes can limit the sludge disposal alternatives available to the POTW, increase the cost of adequate sludge disposal facilities and prevent the use of the sludge for beneficial purposes such as agriculture. For these reasons, as discussed elsewhere in the preamble, the Agency is currently considering additional limitations which would require removal of these wastes by the industrial user.

Under the present regulations, sludge disposal by the industrial user should not pose a problem.

No significant increase in noise, radiation, air pollution or thermal pollution will result from the implementation of these pretreatment standards.

(3) Economic summary. This section summarizes the economic and inflationary impacts of the pretreatment standards for the Electroplating Point Source Category. Executive Orders 11821 and 11949, and OMB Circular A–107 require that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statment certifying that the inflationary impact of the proposal has been evaluated. The inflationary impact of these standards has been evaluated in an economic impact analysis, the results of which are summarized below.

The standards directly affect two kinds of firms: (1) independent establishments performing processes covered by these standards as their primary line of business, and (2) captive establishments performing regulated processes as part of the manufacture of some other product.

The standards are expected to have adverse economic impacts on some independent operations. Although captive establishments were not analyzed in great detail, it is anticipated that the impact on them will be less than on independent operations. The adverse impacts on independent shops are primarily due to capital availability problems that the captives are expected to have to a much lesser degree. In addition, the compliance cost a captive tends to be a much small fraction of production cost since it is being spread over more production operations. The specifics of the following discussion refer only to metal finishing job shops.

Total investment costs for the metal finishing job shops to comply with the standards are estimated to be 38 million dollars. This estimate allows for the fact that some jobs have treatment facilities already in place. Annualized compliance costs are estimated to be 15 million dollars per year. This includes both capital charges and operations and maintenance costs.

An estimated 235 job shops representing 5,900 jobs may close as a result of the pretreatment standards. This represents eight percent of the job shops and nine percent of the workers in the job shop sector of the industry.

Prices are expected to rise to account for increased compliance costs. The price of the regulated metal finishing services is expected to rise by an average of between 1.2 and 4.2 percent. Profitability and owners' compensation are expected to drop slightly in the short run for those firms that remain open, but are expected to return to their original levels within a few years of compliance as the industry adjusts to the new abatement requirements.

APPENDIX B.—SUMMARY OF PUBLIC PARTICIPATION

The following are the principal agencies and groups consulted in the development of regulations: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Department of Interior; (4) Department of Commerce; (5) Department of Defense; (6) Department of the Treasury; (7) Water Resources Council; (8) Atomic Energy Commission; (9) Office of Management and Budget; (10) National Association of Metal Finishers; (11) Metal Finishers Suppliers Association; (12) American Electroplating Society; (13) Institute of Printed Circuits; (14) Alberts Plating Works, Inc.; (15) American Hot Dip Galvanizers; (16) American Society of Mechanical Engineers; (17) Hudson River Sloop Restoration, Inc.; (18) The Conservation Foundation; (19) Environmental Defense Fund, Inc.; (20) Natural Resources Defense Council; (21) The American Society of Civil Engineers; (22) Water Pollution Control Federation; (23) National Wildlife Federation; (24) American Institute of Chemical Engineers; (25) New England Interstate Water Pollution Control Commission.

The following responded with comments following publication of the Phase I and Phase II regulations: California State Water Resources Control Board; Delaware River Basin Commission; State of New York Department of Environmental Conservation; Commonwealth of Kentucky Department of Natural Resources and Environmental Protection; State of Ohio Environmental Protection Agency; The Commonwealth of Massachusetts Water Resources Commission; State of Michigan Department of Natural Resources; State of Georgia Department of Natural Resources; City of Philadelphia; Colorado Department of Public Health; Municipality of Metropolitan Seattle; Dallas Water Utilities; State of Connecticut Department of Environmental Protection; Department of Commerce; Department of Defense; Department of Health, Education and Welfare; United States Department of the Interior; API Industries; State of Nebraska; State of Wisconsin; State of Virginia; State of North Carolina; State of Illinois; State of Indiana; Izaak Walton League of America; Environmental Resources Defense Council; General Electric; Ford Motor Company; Hewlett Packard; R. O. Hull and Company; MacDermid, Inc.; Institute of Printed Circuits; Kalamus and Associates, Inc.; Berlinger Plating, Inc.; Chromium Inc.; Honeywell; Alco Cad-Nickel Plating Corporation; Frank G. Pallard and Associates; Tri-Country Hard Chrome, Inc.; National Association of Metal Finishers; Bell and Howell; Western Electric; Digital Equipment Corporation; The Plate-All Metal Company; American Electroplaters' Society, Inc.; Metal Finishing Suppliers Association, Inc.; Barnard and Maybeck; Hay Company; Harshaw Chemical Company; Alcoa Company; Frederich Gumm Chemical Company; Scientific Control Laboratories; Milwaukee Plating Company; Raytheon Company; GTE Sylvania; Eastman Kodak Company; Chrome-Rite Company; Graham Plating; Welch Allyn; Bendix Corporation; Gould Corporation; H.I.G., Incorporated; Luster-On Products, Inc.; The Ansul Company; Olin Brass; Photo-Chemical Machining Institute; Whirlpool Corporation; Reynolds Metals Company; Monet-Monocraft; American Iron and Steel Institute; Optic—Gage, Inc.; Sperry Univac; Teledyne CAE; Andes, Inc.; Baker Brothers; Rockwell International; Industrial Filter and Pump Manufacturing Company; Rogers Corporation; Control Data Corporation; NRC Corporation; Litton Industry; C. E. Mange Development Laboratory; Platers Supply Company; Sybron Corporation; Van DerHorst Corporation of America; Pratt and Whitney Division of United Aircraft; Columbus Industrial Association; Keeler Brass Company; Lancy Laboratories; Masters-Electroplating Association; Association of Home Appliance Manufacturers; Oxy Metal Finishing Corporation; E. I. DuPont de Nemours, Inc.; Electronic Industries Association; TRW, Inc.; Burndy Corporation; Jamestown Electroplating Works, Inc.; Douglas and Lomason Company; Revere Copper and Brass, Inc.; Sargent and Company; AMP, Inc.; Products Finishing; Wald Manufacturing Company; United States Water Resources Council; S. K. Williams Company; Manufacturing Jewelers and Silversmith of America, Inc.; True Temper Corporation; Texas Instruments, Inc.; Caterpillar Tractor Company; BASF Wyandotte Corporation; Lea—Ronal, Inc.; Automatic Plating Corporation; American Institute of Chemical Engineers; Aircraft Radio and Control.

The major issues raised by commenters during the development of these regulations and the subsequent resolution of these issues are as follows:

1. Numerous commenters questioned the need for pretreatment except in cases where the POTW fails to meet its permit limits.

By requiring pretreatment only when POTW permit conditions are violated, the Agency would be ignoring serious pollutant problems. Incompatible toxic pollutants introduced into a POTW by an industrial user may pass through the POTW substantially untreated into the receiving water without causing the POTW to violate its BOD, TSS, or pH permit limitations. Pass-through of toxic pollutants can result in accumulations in receiving water sediments with subsequent damage to benthic biota, bioaccumulations of toxic pollutants to unacceptable levels in fish, and other water quality problems.

The Agency believes that the requirements for industrial users of POTW established pursuant to section 307 (b) and (c) of the Act and the standards for POTW pursuant to sections 301 and 304 are separate requirements designed to be achieved concurrently. The pollutant parameters governed by the present standards pass through or interfere with the operation of POTW. These standards, accordingly, apply whether or not a particular POTW is already in compliance with secondary treatment standards or other limitations established in its permit. Conversely, a POTW must comply with applicable standards and limitations even though industries discharging to it have not met pretreatment standards.

2. Many commenters stated that the pretreatment limitations should be expressed in terms of concentration rather than as mass limitations.

The limitations specified in this regulation are expressed in terms of concentration although optional mass-based limitations may be developed later which will allow local enforcement authorities to choose between the two. The Agency has decided to use concentration limits in this regulation because of the ease of enforcing such limits and because of the need to implement the pretreatment program as quickly as possible. However, dilution may be a problem in some instances. Where dilution is encountered and is of concern, local authorities should consider the need for prohibitions on dilution, inspection of pretreatment and industrial facilities and enforcement of mass limitations.

3. Numerical limitations different than those established by this regulation were proposed by some commenters. The comments focused on the technical feasibility of attaining certain limitations by means of given treatment technologies. The comments also focused on the economic impact of establishing various levels of standards.

The standards set forth in these regulations are based on a careful assessment by the Agency of data concerning the levels of control which can be attained by use of available treatment technologies. Data supplied by the commenters as well as data collected by the Agency was used in developing the standards. Furthermore, the Agency has given careful attention to the possible economic impact of establishing various standards. As discussed elsewhere in the preamble, the decision to develop regulations in two stages is closely related to the Agency's efforts to fully consider the economic situation of different segments of the industry in establishing pretreatment standards. The formulation of the present standards is described in more detail in Appendix A.

Part 413, Chapter I, Subchapter N, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—Electroplating Point Source Category

Subpart A, § 413.11 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.11 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart A is amended by adding § 413.14 as follows:

§ 413.14 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the electroplating of common metals subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the electroplating of common metals subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5 unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart B—Electroplating of Precious Metals Subcategory

Subpart B, § 413.21 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.21 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart B is amended by adding § 413.24 as follows:

§ 413.24 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under Section 307 (b) of the Act for a source within the electroplating of precious metals subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the electroplating of precious metals subcategory are set forth below:

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart D—Anodizing Subcategory

Subpart D, § 413.41 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.41 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amendable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart D is amended by adding section 413.44 as follows:

§ 413.44 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the anodizing subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the anodizing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart E—Coatings Subcategory

Subpart E, § 413.51 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.51 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart E is amended by adding § 413.54 as follows:

§ 413.54 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the coatings subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the coatings subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart F—Chemical Etching and Milling Subcategory

Subpart F, § 413.61 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.61 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart F is amended by adding § 413.64 as follows:

§ 413.64 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the chemical etching and milling subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the chemical etching and milling subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this chapter, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

40 CFR Part 413 is amended by adding a new Subpart G as follows:

Subpart G—Electroless Plating

Sec.

413.70 Applicability; description of the electroless plating subcategory.

AUTHORITY: Sec. 307(b), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

Subpart G—Electroless Plating

§ 413.70 Applicability; description of the electroless plating subcategory.

The provisions of this subpart are applicable to discharges resulting from the electroless plating of a metallic layer on a metallic or nonmetallic substrate.

§ 413.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "electroless plating" shall mean the deposition of conductive material from an autocatalytic plating solution without application of electrical current.

(c) The term "sq m" ("sq ft") shall mean the area plated expressed in square meters (square feet).

(d) The term "operation" shall mean any step in the electroless plate process which is followed by a rinse and in which a metal is deposited on a basis material.

(e) The term "CN,A" shall mean cyanide amenable to chlorination.

(f) The term "CN,T" shall mean cyanide, total.

(g) the term "Cr, VI" shall mean hexavalent chromium.

(h) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

§ 413.72 [Reserved]

§ 413.73 [Reserved]

§ 413.74 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the electroless plating, subcategory, the provisions of part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the electroless plating subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart H—Printed Circuit Board

AUTHORITY.—Sec. 307(b), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

§ 413.80 Applicability; description of the printed circuit board subcategory.

The provisions of this subpart are applicable to the manufacture of printed circuit boards including all manufacturing operations required or used to convert an insulating substrate to a finished printed circuit board. The provisions set forth in other subparts of this category are not applicable to the manufacture of printed circuit boards.

§ 413.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "printed circuit board" shall mean any insulating carrier which has circuitry adhered thereto or encapsulated therein primarily for the purpose of interconnecting electric and electronic components.

(c) The term "sq m" ("sq ft") shall mean the area of the printed circuit board immersed in an aqueous process bath.

(d) The term "operation" shall mean any step in the printed circuit board manufacturing process wherein the board is immersed in an aqueous process bath which is followed by a rinse.

(e) The term "CN,A" shall mean cyanide amenable to chlorination.

(f) The term "CN,T" shall mean cyanide, total.

(g) The term "Cr, VI" shall mean hexavalent chromium.

(h) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

§ 413.82 [Reserved]

§ 413.83 [Reserved]

§ 413.84 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the printed circuit board subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the printed circuit board subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties

controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

[FR Doc.77-19823 Filed 7-11-77;8:45 am]

[FRL 755-2]

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Final Rule Making

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These regulations limit the discharge of pollutants into navigable waters from existing crushed stone, construction sand and gravel, industrial sand, phosphate rock and mining operations. The Federal Water Pollution Control Act requires these regulations to be issued. These limitations will be incorporated in National Pollutant Discharge Elimination System (NPDES) permits issued by the Federal EPA or by States with approved programs. The effect of these regulations will be to require treatment of waste water discharged from the above types of operations in the mineral mining industry.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-426-2560.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On October 16, 1975 (40 FR 48652), and June 10, 1976 (41 FR 23552), EPA promulgated interim final effluent limitations based on the application of "best practicable control technology currently available" (BPT) for 40 CFR Part 436—Mineral Mining and Processing Point Source Category. On June 10, 1976, the Agency also proposed effluent limitations based on the application of "best available technology economically achievable" (BAT) and standards of performance and pretreatment standards for new sources (41 FR 23561). The final regulations set forth below amend the June 10, 1976 interim final regulations, and will be applicable to existing point sources for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), and the phosphate rock subcategory (Subpart R).

The Agency is not promulgating pretreatment standards for existing sources or finalizing the pretreatment standards for new sources which were proposed in the June 10, 1976 interim final regulations because there are no known situations in which such standards would be applicable. Should information become available which indicates there is a need for such standards, then regulations will be issued. The regulations based upon best available technology economically achievable (BAT) and new source performance standards (NSPS) which were proposed on June 10, 1976 are also not being promulgated at this time because the Agency is currently reviewing the regulatory approach which should be taken in all mining categories with respect to BAT effluent limitations and new source performance standards.

LEGAL AUTHORITY

These regulations are promulgated pursuant to sections 301(b) and 304(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 (b), 1314(b); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Section 301(b)(1) requires the attainment of effluent limitations based on the application of "best practicable control technology currently available" (BPT) by July 1, 1977. Section 304(b)(1) provides for the promulgation of such effluent limitations and specifies the factors to be taken into account in assessing BPT in compliance with section 301(b)(1).

SUMMARY AND BASIS OF REGULATIONS

Effluent limitations are established in these regulations for total suspended solids (TSS) and pH. The regulations govern discharges of process generated waste water pollutants and discharges of mine dewatering pollutants by existing sources in all four subcategories listed above.

The best practicable control technology currently available for controlling the discharge of process generated waste water pollutants includes recycle of waste water for use in processing. In addition, excess process water and mine water can be treated prior to discharge by settling and, if necessary, occasional use of flocculation. Available technologies are discussed in detail in Appendix A. As in all other mining categories, the limitations for these four subcategories are applied on a concentration basis (mg/l) rather than a mass basis (lbs/ton of product) (except for industrial sand operations using hydrogen flotation), because no correlation between water usage and production can be established. The method of analyses for all parameters shall conform to the methods specified in "Guidelines Establishing Test Procedures for the Analysis of Pollutants," 40 CFR Part 136, published in 41 FR 52780 (December 1, 1976).

Additional waste water pollutants which may be present in some instances are asbestos fibers, radium 226, and phosphates. Control of total suspended solids will have the effect of controlling these pollutants to some extent. Existing treatment systems are not generally designed to specifically remove these pollutants, and additional treatment of these pollutants will not be practicable for most operations. Consequently, specific limitations for these pollutants are not established at this time. The permit issuing authority could, however, impose specific limitations on such pollutants on a case-by-case basis, if practicable technology were nevertheless shown to be available in the particular instance. Furthermore, the permit must, of course, include any additional limitations on such pollutants which are necessary to meet applicable water quality standards.

A report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" was issued at the time that the interim final BPT regulations for the four subcategories listed above were published on June 10, 1976. A supplementary report on the possible economic effects of the regulations was also issued at that time. Comments on both reports were solicited by the Agency.

After the interim regulations were issued, the Agency collected and analyzed additional data on the four subcategories which are subject to these final regulations. A report entitled "Development Document for Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" details the analyses undertaken in support of the final regulation set forth here. A supplementary analysis on the possible economic effects of the final regulations has also been prepared. Copies of both reports are available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C., at all EPA regional offices, and at State

water pollution control offices. Copies of both documents are being sent to persons or institutions affected by the final regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). Further copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Va. 22151.

The technical and economic analyses undertaken in support of these regulations are discussed in detail in Appendix A to this preamble. Significant changes which have been made in the interim final regulations are discussed below under Summary of Major Changes.

SUMMARY OF PUBLIC PARTICIPATION

At the time that interim final regulations were issued, public comment on the regulations was solicited. In addition, a public meeting was held in Washington, D.C. on December 2, 1976, to enable further public participation. As a result of comments received following publication of the interim final regulations and further consideration by the Agency, the limitations originally established have been reevaluated. A summary of public participation in this rulemaking, public comments, and the Agency's consideration and response is contained in Appendix B of this preamble.

SUMMARY OF MAJOR CHANGES

As a result of the comments and information which were received following promulgation of the interim final regulations, and as a result of additional study by the Agency, a number of changes are being made in the interim final regulations.

The interim final regulations required no discharge of process generated waste water pollutants by operations in the crushed stone subcategory, the construction sand and gravel subcategory, and the industrial sand subcategory. This limitation was imposed on the grounds that large numbers of operations currently recycle all water used in processing and have no continuous discharge of process generated waste water pollutants. However, it is apparent that a number of the facilities which currently recycle experience occasional discharges due to natural occurrences, such as rainfall or seepage. Consequently, the regulations have been changed to allow a limited discharge of process generated waste water pollutants from operations which recycle water for processing, although systems which do not recycle process water will remain subject to a no discharge requirement. These limitations continue to be based on the Agency's view that the best practicable control technology currently available for these industries includes recycling of process water.

The interim final regulations would have required the crushed stone industry to treat mine water and process water in separate treatment systems in order to discharge mine water. Under the new regulations for the crushed stone, industrial sand, and construction sand and gravel subcategories, a facility which recycles process water may discharge from a treatment system in which process water and mine water are commingled. Facilities which do not recycle process water may not discharge from such a combined treatment system, since all discharges from the system are subject to the limitations on process generated waste water pollutants.

The limitations on total suspended solids (TSS) in both mine dewatering and process water discharges have also been changed for the crushed stone, construction sand and gravel, and industrial sand subcategories. The limitations for these subcategories now include an average limitation for thirty consecutive days of 25 mg/l for TSS. The daily maximum limitation has been increased from 30 mg/l to 45 mg/l. These changes were made because additional data collected since the promulgation of the interim final regulations indicated that the day-to-day variations in discharges from individual operations were greater than initially found, and because the additional information collected provided the broader data base necessary for formulating a monthly average limitation.

The mine dewatering definition for these three subcategories has also been changed to indicate that only water which has collected or been impounded in the mine and is removed through the efforts of the mine operator will be subject to the limitations on mine dewatering discharges. This change clarifies the Agency's intentions regarding discharges of storm water runoff. Discharges due to storm water runoff are subject to the limitations imposed in these regulations for process water or mine water pollutants only if the runoff enters the treatment systems for process water or mine water. Storm water which does not enter a treatment system is not covered by this regulation. Storm water can be kept out of treatment systems by use of berms or storm water diversion ditching.

The process water limitations for the phosphate rock subcategory have also been changed. The interim final regulations imposed a no discharge requirement on process generated waste water pollutants in ore transport water, pump seal water, air scrubber water and ore wash water. These types of water can be recycled. Pollutants in waste water from the flotation processes of this industry, by contrast, were not subject to a no discharge requirement because recycling waste water in the flotation circuit causes loss in recovery. The regulations further provided for monitoring of discharges when the various waste water streams were commingled. The Agency concluded that these regulations, while reasonable, created excessively complex enforcement problems. Waste water streams are often combined within the plant and cannot be separated without expensive rearrangement of existing piping. Enforcement under the interim final regulations would be difficult even if extensive site visits were carried out unless the waste streams were separated. Consequently, a single set of limitations has been imposed in the final regulation for all waste streams. The effect of this change is not expected to be significant, since most of the facilities covered are already recycling process water to the extent possible.

The TSS limitations for the phosphate rock subcategory have been reevaluated in the light of comments and additional data received, but they have not been changed. Several commenters suggested that the limitations should be more stringent. It was suggested that data submitted with the comments support more stringent limitations. In the Agency's judgment, more stringent limitations are not warranted. First, the commenters excluded from the data base certain plants with high TSS values in their discharges. The high TSS values were said to be due to algae growth resulting from high phosphorus levels in the plants' intake water. The contamination of the intake water was said to be caused by upstream fertilizer-chemical plants. The Agency does not agree that the high TSS levels found should be excluded from the data base on the grounds suggested. Many plants experience high rates of algae growth in their settling ponds either because of the nature of the intake water, or for other reasons, such as the presence of nitrogen in the waste water (ammonia is used as a processing reagent), the warm temperatures in southern regions, or the shallowness of the pond. The age of the pond also appears to be an important factor. While new treatment ponds in this industry experience relatively low algae growth, they gradually become eutrophic, and the TSS levels in the discharges increase. Volatile suspended solids then comprise the majority of the TSS discharged, as many of the samples which were taken indicate. Consequently, the Agency feels that the operations excluded by the commenters from the data base should be considered in assessing BPT and in effluent limitations that can be attained by using such technology.

Secondly, the Agency believes that more stringent limitations would force many of the plants in this industry to use groundwater rather than surface water for processing in order to prevent algae growth in the treatment system that is caused by upstream contamination of intake water. The commenters have failed to address the serious groundwater depletion problems in the part of Florida where most of the mines are located, and which would be seriously aggravated if more stringent limitations on TSS were imposed on the industry. At the present time, therefore, the Agency does not believe that the costs to this industry of converting to alternative water sources would be justified, particularly in the light of the environmental harm that would be caused by further depletion of groundwater. However, the Agency also believes that the quality of river water used for processing will improve as upstream chemical plants achieve effluent

limitations imposed in their permits. Limitations for phosphate rock operations may therefore need to be reevaluated at a later date under section 301(d) of the Act if TSS discharges are reduced as a result of cleaner intake water.

ECONOMIC ANALYSES

The capital cost for industry to comply with these regulations is estimated to be approximately $25 million. The annualized cost of complying (which includes amortization, operating and maintenance expense) is approximately $10.4 million. No significant economic impacts on the phosphate and industrial sand categories are anticipated. Of the crushed stone industry's 4800 plants, approximately 78 will switch from selling wet processed to dry processed stone, and perhaps 35 small operations in metropolitan areas may close, with an associated loss of 60 jobs. Depending upon local market conditions, prices could remain stable or increase by up to eight percent. For sand and gravel, perhaps 26 out of 5150 operations may close, with an attendant loss of up to 86 jobs. Prices may increase about $0.04 per ton (2.5%) in large markets and by up to 10 percent in small metropolitan or rural markets. In both the crushed stone and sand and gravel categories, it is expected that more closures would occur in large metropolitan areas and therefore not have significant community effects.

The costs and resultant economic impacts of the regulations are more fully discussed in Appendix A to this preamble and are substantially detailed in the economic analysis document. The Environmental Protection Agency has determined that this regulation does not require preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107. However, the economic analysis prepared in support of this regulation fulfills the requirements of these Executive Orders and Circular A-107.

SMALL BUSINESS ADMINISTRATION LOANS

Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concerns in effecting additions to or alterations in their equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program write to EPA, Office of Analysis and Evaluation, WH-586, 401 M St. SW., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 436 is hereby amended as set forth below.

Dated: June 27, 1977.

BARBARA BLUM,
Acting Administrator.

APPENDIX A—TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

This Appendix summarizes the basis of final effluent limitations guidelines for existing sources to be achieved by the application of the best practicable control technology currently available.

(1) *General methodology.* The effluent limitations guidelines set forth herein were developed in the following manner: The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation, were identified. The energy requirements of each control and treatment technology were determined, as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of the technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA NPDES permit applications, EPA NPDES permits, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D) and the phosphate rock subcategory (Subpart R) of the mineral mining and processing point source category.

(i) *Categorization.* For the purpose of studying waste treatment and establishing effluent limitations guidelines and standards of performance, the mineral mining and processing category was divided into subcategories. These subcategories consist of specific mineral types or classes of minerals. In addition, within each subcategory a determination was made whether subparts required different effluent limitations based on type of ore, method of ore transport, type of processing, use of wet air emissions control devices, type of product, and ground water intrusion and runoff into the mine and process waste water impoundments.

For the four commodities affected by the present regulations, crushed stone; construction sand and gravel, industrial sand, and phosphate rock, the processing techniques were sufficiently different to form four separate subcategories. Within each subcategory consideration was given to each of the types of discharges given in the following list.

Crushed stone: dry processing discharges, wet processing discharges, flotation processing discharges, mine dewatering discharges, area runoff (point source) discharges.

Construction sand and gravel: dry processing discharges; wet processing discharges; dredging with land processing, dredging water discharges, other process water discharges; mine dewatering discharges; area runoff (point source) discharges.

Industrial sand: dry processing discharges; wet processing discharges; acid and alkali flotation discharges, acid leaching discharges, hydrofluoric acid (HF) flotation discharges; other process water discharges; mine dewatering discharges; area runoff (point source) discharges.

Phosphate rock; flotation processing discharges, other processing discharges, mine dewatering discharges, area runoff (point source) discharges

Upon completion of the technical and economic analysis, it was concluded that several types of process waste water discharges within three subcategories should be governed by a single set of limitations in light of the feasibility of achieving the same levels of pollutants in the discharges. Hence, discharges from dry, wet, and flotation processing of construction sand and gravel are subject to the same set of limitations. Discharges from dry and wet processing of construction sand and gravel are similarly subject to the same set of limitations. Discharges from dry, wet, and acid and alkali flotation processing of industrial sand are also subject to the same limitations. However, it was concluded that discharges from acid leaching and HF flotation in the industrial sand subcategory should be considered separately due to differences in the nature of the discharge. Separate limitations on process generated waste water pollutants are established for operations using HF flotation, but no national limitations are established at this time for operations using acid leaching, due to lack of adequate data.

Dredge water discharges from land-based construction sand and gravel process plants are not regulated at this time. Dredging and on-board processing in navigable waters are regulated by the Corps of Engineers pursuant to section 404 of the Act and are not subject to these regulations. Point source discharges of area runoff are likewise not covered in this regulation unless the runoff enters process or mine dewatering waste water impoundments.

(ii) *Waste characteristics.* The known significant pollutants and pollutant properties in the four subcategories covered include pH and total suspended solids. Fluoride is present in the process waste waters of operations in the industrial sand subcategory which use HF flotation. In isolated cases asbestos-form pollutants have been found in the crushed stone industry. Fluoride, phosphate and radium 226 exist in the waste waters from the phosphate rock subcategory.

(iii) *Origin of waste water pollutants.* The sources of mine dewatering pollutants include surface runoff of rain water into the mine and mine water treatment systems, ground water seepage and infiltration into the mine. The quantity of mine water discharged is either unrelated or only indirectly related to the mine production rate. As in

other mining categories, therefore, effluent limitations are expressed in terms of concentration rather than units of production.

Process generated waste water includes ore transport water, ore and product wash water, dust suppression water, classification water, heavy media separation water, flotation water, solution water, air emissions control equipment water, and floor and equipment wash down water. Where production could be related to process water flow, the effluent limitations are tied to the units of production. In cases where uncontrolled volumes of water, such as mine dewatering, are normally mixed with process water or in cases where process water flow cannot be related to the rate of production, the effluent limitations for process waste water are expressed in terms of concentration.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available. The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other waste water treatment alternatives which provide equivalent or better levels of treatment.

(1) *Treatment for the crushed stone subcategory.* Dry processing plants will usually have no discharge of process generated waste water, although water may be used, such as for dust suppression. Water at wet processing plants is used to wash the stone and control dust. The waste water, if clarified in a settling pond, is usually of sufficient quality that it can be recirculated directly to the process, and no discharge will be necessary unless water from other sources enters the treatment system. Similarly, at facilities that use flotation, for instance, to obtain calcite, the waste flotation water can be used to wash the stone. Excess waste water from the treatment impoundment may result from precipitation or from surface runoff or because the mine water and process water are combined for treatment in one common treatment system. Waste water from these processes of the crushed stone industry in excess of that amount of water which is recycled for process water purposes may be treated and discharged. Treatment for this excess waste water consists of settling in one or more settling ponds, and possible use of flocculants. A series of ponds is recommended in order to improve the settling efficiency and allow for dredging of the primary pond without having to discontinue recycle. The use of flocculants in the secondary ponds is sometimes practiced. For land-based processors, particularly small plants, treatment other than single settling ponds followed by recycle may not be an economically viable technology. The limitations, therefore, are based on this technology. (Level C in the Development Document.)

Due to the nature of the hard rock mined in crushed stone quarries, water that collects on the quarry floor is quite clear. This water can originate from direct rainfall or ground water seepage into the quarry. It is poor practice to allow surface runoff to enter the quarry, and diversion ditches or berms can prevent this. Quarry water is collected in a low spot or sump, which is rarely designed to efficiently remove suspended solids. From this sump quarry water is pumped to the surface and discharged. This water is typically of excellent purity unless poor practices are followed, such as positioning the pump near the sump influent, or allowing mine vehicles to drive through flooded areas.

Based on the available data on quarries, the Agency has established TSS limitations of 45 mg/l daily maximum and 25 mg/l monthly average. In instances where the mine water quality does not already meet these limitations, better water handling practices can be instituted. The sump pump can be enlarged to provide adequate settling time. The sump pump can be positioned opposite the sump influent. Pumping may be temporarily stopped to allow the water to clear. In some cases a settling pond at ground level can be built to provide additional settling time The intermittent use of flocculants is a possible alternative. Treatment of mine water in a common treatment system with process water is another means of treatment. Recycle of process water from a combined treatment system must be practiced in order to discharge from this combined treatment system. The process water discharge limitations would then apply to the waste water discharged.

(2) *Treatment for the construction sand and gravel subcategory.* Water at wet processing plants is used for ore washing, dust suppression, heavy media separation and classification. As in the crushed stone subcategory, process waste water can be recycled after clarification in settling ponds. Waste water in excess of that amount of water which is recycled for process water purposes may be treated and discharged.

In dredged ponds that are not navigable waters, process waste water is almost always returned to the ponds untreated to maintain the water level. Discharges from these ponds to navigable waters do not normally occur. Discharges from these ponds due to subsurface ground water intrusion are considered to be mine dewatering.

For dredging operations in navigable waters, slurry water pumped ashore is not regulated at this time. Few facilities operate in this mode. Land-based processing facilities that do not slurry-transport from the dredge can recycle process waste water as do other land-based non-dredge operations.

The discussion of methods for controlling the discharge of process generated waste water pollutants set forth above in reference to the crushed stone subcategory also applies to the construction sand and gravel subcategory. The limitations on mine dewatering can be met by the use of well designed and operated settling ponds. Intermittent use of flocculants may be necessary in a few cases. If recycle of process waste water is practiced, mine water may be combined with process water in a common treatment system. The subsequent discharge would be subject to the limitations on process generated waste water pollutants.

(3) *Treatment for the industrial sand subcategory.* This subcategory resembles the construction sand and gravel subcategory except that additional beneficiation is done. The same technologies for recycling and settling are used in this subcategory as in the construction sand and gravel subcategory, and the same discussion applies here. Certain operations require fresh water make-up, but the excess is usually lost through evaporation, product drying and sludge disposal. Excess water that cannot be recycled may be treated and discharged. Treatment of this waste water would usually consist of settling in ponds and possible use of flocculants. Clarifiers are used at some locations to increase settling efficiency and to minimize the treatment area. However, this latter technology is not economically feasible for many plants. Therefore the limitations are based on the technology of settling and recycle (Level B in the Development Document).

Sludge disposal can present problems if a watershed is dammed and an excess of runoff enters the sludge pond. This runoff can be diverted around the impoundment and the supernatant pond water returned to the process water system.

There is one plant that uses hydrofluoric acid in the flotation circuit. At the present time this facility is able to recycle about 90 percent of its process waste water. Total recycle is claimed to hinder the HF flotation of feldspar. The daily maximum for total suspended solids was based on data supplied by the plant.

Limited data were available for the acid leaching process; therefore, this process will not be nationally regulated at this time.

Industrial sand mines are identical to sand and gravel mines and the same reasoning for the mine dewatering limitations applies.

(4) *Treatment for the phosphate rock subcategory.* Control of discharges of process generated waste water pollutants and mine dewatering pollutants can be achieved through settling in ponds. Recycling of water for processing is also possible. While facilities that practice flotation with amines, fatty acids and other reagents can practice only partial recycle because concentrations of impurities which interfere with processing build up in a total recirculation system, facilities that do not use flotation to process the ore, and non-flotation unit operations within flotation plants, are able to use recycled waste water without using fresh make up water.

The present regulations limit TSS and pH. Radium 226, phosphate, and fluoride are also present in the waste water, but existing treatment systems are generally not designed to specifically remove these pollutants, and additional treatment of these pollutants to concentrations below present levels is not judged to be practicable for most operations. However, control of total suspended solids does effect control of radium 226 and phosphates. For the reasons set forth under Summary of Major Changes, the present regulations do not specifically reflect the ability of most operations to achieve partial or total recycle of process water. However, most operations are already recycling process water to the extent possible, particularly since recycling helps to minimize the ground water depletion problems in parts of Florida where many of the operations are located.

A statistical analysis of the long term effluent data from several facilities shows that a total suspended solids concentration of 30 mg/l can be met as a maximum monthly average and 60 mg/l as a daily maximum. As noted in the Development Document, several plants are meeting these limitations. Those plants that do not achieve the standards all of the time can upgrade their treatment systems by various methods. A number of poor practices were observed during the study of this subcategory. Some plants are continuing to use their ponds beyond their efficient life. These operations should construct new treatment ponds. One plant was observed to be fertilizing the inner pond walls and excessive aquatic growth apparently resulted which increased the total suspended solids level. Such fertilization should be stopped. Earthen ditches are frequently used to convey the pond overflow to the discharge point, and excessive flow rates through these ditches were observed to result in erosion to the walls. Larger channels with well compacted walls or concrete or pipe conveyances would minimize this problem. The use of wooden boards in overflow towers can result in significant leaks between the boards from sub-surface levels of water in the impoundments which have higher levels of suspended solids.

(5) *Overflow exemption.* In all four subcategories, an allowance has been made for the type of unregulated discharge from treatment facilities which would be caused by abnormal precipitation events. The best practicable control technology currently available

is that treatment systems be designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event. If treatment systems are properly designed, constructed, and maintained to handle the larger amounts of water entering the system during such an event, then any overflow which occurs is exempt from the applicable limitations.

(v) *Cost estimates for control of waste water pollutants.* The costs estimated to result from the promulgated regulations are listed below.

Subcategory	Capital costs	Annual costs
Crushed stone	$13,531,000	$6,941,000
Construction sand and gravel	7,460,000	2,283,000
Industrial sand	644,000	169,000
Phosphate rock	3,340,000	1,056,000
Total	24,975,000	10,449,000

(vi) *Energy requirements and nonwater quality environmental impacts.* The additional energy requirements are estimated as follows:

Mineral:	*Million kilowatt per year hours*
Crushed stone	140
Construction sand and gravel	22.7
Industrial sand	8
Phosphate rock	42.3
Total	213.0

These figures are overstated since the savings in not pumping as much fresh water as make-up were not subtracted

The regulations will increase the amount of solid wastes. However, most of the solid wastes in these four subcategories are inert solids. No significant sludge disposal problems are anticipated.

(vii) *Economic impact analysis.* The impact of these regulations on phosphate mining and processing are not expected to be significant. Prices may increase about $0.11 per ton, or less than 1 percent over mid-1974 levels of $12.10 per ton. No plants are expected to close, and the effects on the balance of trade will be minimal.

Depending upon local market conditions, prices for crushed stone could increase up to eight percent. However, only about 18 percent of production would be subject to price increases. Approximately 78 out of the 4800 crushed stone facilities will switch from producing both wet and dry processed stone to only dry process production. A maximum of 35 small facilities accounting for 0.1 percent of the national production and located in metropolitan market areas may close, with an associated loss of 60 jobs. Because these closures are expected to occur in scattered metropolitan areas, no community impacts are anticipated.

The economic analysis of the sand and gravel industry indicated that the only technology which is economically viable is a settling pond with recycle. More extensive treatment, which involves additional ponds or flocculation, may be feasible for some plants but is considered to be economically impractical in general. In particular, plants which have no treatment at present and are in a large metropolitan market will be unable to install treatment in addition to settling and recycle. Therefore, the BPT limitations are based on a technology of settling and recycle. The price of sand and gravel may increase from between $0.04 to $0.20 per ton in small cities or rural areas. Up to 26 plants in major metropolitan areas which have to absorb control costs may close. These plants represent a total of 0.3 percent of the present national production and are a very small proportion of the 5,150 operations in the industry. The closures could result in the loss of work for up to 86 persons, but are not expected to affect local economies.

The price of industrial sand is expected to increase less than 1 percent over present levels of about $5 to $7 per ton. Settling with recycle is the technology on which the best practicable technology guidelines are based. Based upon this technology, no closures are predicted, and local economies, employment, industry growth and the balance of trade will not be significantly affected. Although mechanical thickening is judged to be a technically possible alternative, it is one which will not be economically feasible for most plants and so is not a technology upon which these regulations are based.

Appendix B—Summary of Public Participation

Prior to this publication, many agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the mineral mining and processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. A revised copy of the above report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Industry Point Source Category" (June 1976) was also distributed for comments. The Interim Final regulations were published in the Federal Register on June 10, 1976. In addition to the comments received on the above documents, a public comment meeting was held on December 2, 1976, in Washington, D.C. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the Ohio River Valley Sanitation Commission; (4) the Delaware River Basin Commission; (5) the New England Interstate Water Pollution Control Commission; (6) U.S. Department of Commerce; (7) U.S. Department of the Interior; (8) U.S. Department of Defense; (9) U.S. Department of Agriculture; (10) U.S. Department of Transportation; (11) U.S. Department of Health, Education and Welfare; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of Treasury; (14) Tennessee Valley Authority; (15) Council of Environmental Quality; (16) National Commission on Water Quality; (17) Federal Power Commission; (18) Federal Energy Administration; (19) Office of Management and Budget; (20) Internal Revenue Service; (21) Nuclear Regulatory Commission; (22) The American Society of Mechanical Engineers; (23) the Conservation Foundation; (24) Businessmen for the Public Interest; (25) Environmental Defence Fund, Inc.; (26) Natural Resources Defence Council, Inc.; (27) The American Society of Civil Engineers; (28) Water Pollution Control Federation; (29) National Wildlife Federation; (30) Gypsum Association; (31) Indiana Limestone Institute of America; (32) Marble Institute of America; (33) National Crushed Stone Association; (34) National Industrial Sand Association; (35) National Limestone Institute; (36) National Sand and Gravel Association; (37) American Mining Congress; (38) Asbestos Information Association of North America; (39) Barre Granite Association; (40) Brick Institute of America; (41) Building Stone Institute; (42) The Fertilizer Institute; (43) Florida Limerock Institute; (44) Florida Phosphate Council; (45) North Carolina Minerals Association; (46) North Carolina Sand, Gravel and Crushed Stone Association; (47) Portland Cement Association; (48) The Refractories Institute; (49) Salt Institute; (50) Sorptive Minerals Institute; (51) National Clay Pipe Institute; (52) National Lime Association; (53) Environmental Protection Service, Canada; (54) Manufacturing Chemists Association; and Georgia Association of Mineral Producing Industries.

The following responded with comments on the interim final regulations: Aggregates and Concrete Association of Northern California, Inc.; Aggregates Producers Association of South Carolina, Inc.; Agrico Chemical Company; Angelo Tomasso, Inc.; Arkhola Sand and Gravel Company; Becker Phosphate Corporation; Buffalo Slag Company, Inc.; Bethlehem Steel Corporation; Central Silica Company; C. F. Mining Corporation; Connecticut Crushed Stone Association; Dixie Sand and Gravel Company; Evansville Materials, Inc.; Taylor-Middlecreek, Inc.; The Fertilizer Institute; Florida Department of Environmental Regulation; Florida Phosphate Council; Gardinier, Inc.; Georgia Crushed Stone Association; Georgia Marble Company; Grove Stone and Sand; Harry T. Campbell Sons' Company; Hempt Brothers, Inc.; Ideal Basic Industries; Illinois Association of Aggregate Producers; Indiana Mineral Aggregates Association, Inc.; Iowa Limestone Producers Association, Inc.; J. R. Simplot Company; Kentucky Crushed Stone Association, Inc.; Lehigh Portland Cement Company; Martin Marietta Cement; Massachusetts Crushed Stone Association; Maryland Aggregate Association, Inc.; Material Service Corporation; Missouri Limestone Producers Association; Monsanto Industrial Chemicals Company; Mulzer Crushed Stone Company; National Crushed Stone Association; National Industrial Sand Association; National Limestone Institute, Inc.; National Sand and Gravel Association; North Carolina Aggregate Association; Ohio Aggregates Association; Oregon Concrete and Aggregate Producers; Owens-Illinois Inc.; Pennsylvania Stone Producers Association; Phillips Petroleum Company; Portland Cement Association; Sarasota County, Florida; Swift Agriculture Chemical Company; Tennessee Crushed Stone Association; United States Steel Corporation; U.S. Department of Health, Education, and Welfare; U.S. Department of the Interior; U.S. Energy Research and Development Administration; Wisconsin Department of Natural Resources; W. R. Grace and Company. The more significant issues raised are discussed below:

1. Several commenters in the crushed stone industry questioned the requirement of no discharge of process generated waste water pollutants because this requirement effectively precludes the discharge of mine dewatering waste water which is combined in a common treatment system with process water. One commenter stated that the cost for separating rather than combining the two waste water sources would be substantial.

As explained under Summary of Major Changes, the regulation now allows a treated discharge of process generated waste water pollutants provided waste water is recycled from the treatment system for use as process water. Since a discharge from a combined treatment system is subject to the process water limitations, discharge of commingled waste water from a combined treatment system is not precluded as long as recycling of waste water for processing is practiced. Where recycle from process treatment systems is not practiced, a no discharge limitation would apply to process waste water and

other waste waters that are combined with process water.

2. Several commenters within the crushed stone industry questioned the limitations for mine dewatering. Some commenters suggested a limitation for TSS of 30 mg/l as a monthly average and 60 mg/l as a daily maximum. Several commenters stated that upset conditions may occur due to surface runoff or because solids of softer rocks and clay which may be mined have poor settling characteristics. Several commenters felt that the beneficial effect of limestone solids were not taken into consideration when the Agency determined the TSS limitation.

As indicated under Summary of Major Changes, the Agency has revised the daily maximum and established a monthly average based on consideration of comments and additional data.

Upset conditions can usually be avoided by better water management practices. Methods for preventing upset conditions include repositioning the sump pump opposite the influent, allowing an adequate time for the waste water to settle without being churned up by mining equipment, and other water management practices. Providing additional impoundment capacity to provide a longer retention time for settling and intermittent use of flocculants may be necessary for some operations in order to avoid upset conditions.

The addition of limestone in the ionized form of dissolved calcium carbonate may have a beneficial effect by neutralizing streams polluted by acid mine drainage. However, hardness caused by dissolved calcium carbonate and suspended solids may also have a harmful effect on receiving waters. Under the provisions of the Act, limestone solids are considered pollutants and are subject to regulation. The limitations are based on an assessment of available treatment technology, not on an evaluation of the water quality of individual receiving streams.

3. Several commenters stated that the costs of treating mine dewatering were not included in evaluating the economic impact on the crushed stone industry.

Costs for mine dewatering have been included in the development document and economic analysis. In most cases these costs are small (e.g. $.009 per metric ton) compared to treatment costs for process water (e.g. $.021 per ton) from wet process plants. Adequate treatment usually can be achieved in the mine at the sump. In many cases, the mine water may also be treated with process water in a common treatment system. However, the mine dewatering treatment cost may be significant if flocculants are required. Some small operators in metropolitan markets who would need flocculants and cannot pass on costs may be forced to close.

4. Many commenters questioned the no discharge requirement for process generated waste water pollutants in the crushed stone industry, the sand and gravel industry and the industrial sand industry. Several commenters suggested allowing a discharge of process water pollutants similar to the mine dewatering limitations. One commenter noted that some metal mining industry categories are allowed a discharge and requested that similar regulations be established for this industry. One commenter stated that the no discharge requirement was unreasonable for plants using mine dewatering waste water as make-up process water.

Several commenters said that the cost of achieving no discharge had not been adequately considered. One commenter stated that the cost for retrofitting an older plant with total recycle technology would result in a substantial cost to the plant, and might result in closure of the plant. One commenter stated that the alternative of switching to a dry process to avoid a discharge was not feasible due to specifications for finished products and because of added costs for air pollution control. Several commenters stated that the requirement of zero discharge would limit resource development and preclude the operation of plants where land is not available to construct settling ponds. One commenter said that mechanical clarification treatment systems, which require less land area, are costly and do not produce a water that can be continuously recycled because of a buildup of fines and dissolved solids in the recycled water.

The available data show that large numbers of plants are currently practicing recycle of waste water for use as process water. As explained in the Summary of Major Changes, however, the Agency has concluded that the "no discharge" requirement should be revised to reflect the need for occasional discharges when the recycling of process water is practiced. As indicated, the revised regulation continues to reflect the judgment that BPT for the three subcategories includes recycling of process water as a means of limiting the discharge of pollutants. In addition, the process water discharge limitations are based on adequate settling to reduce total suspended solids and the possible occasional use of flocculation.

The economic impact analysis examined the economic feasibility for plants to install recycling equipment. In general the analysis indicates it is economically feasible. However, plants without a settling pond which are located in competitive metropolitan areas may not be able to pass on the costs of recycling process water. It is anticipated that under final BPT guidelines approximately 78 processors representing about 0.8 percent of industry production (and a small proportion of the metropolitan market) will switch to selling only dry processed stone. The ability of firms to specialize in only dry processed stone is illustrated by the many crushed stone operations producing no wet processed stone.

It is not anticipated that these guidelines will prevent the sale of wet processed stone in an area. If a wet processor cannot raise his prices then he must be in a market where others are supplying wet processed stone. On the other hand, if he is the only supplier, then he should have a sufficiently strong market position to raise his price to cover the cost of compliance and he should be able to continue to supply wet processed stone.

The Agency does not believe that these guideline limitations will inhibit resource development. It is anticipated that operations will incorporate the additional area needed for settling ponds into future siting specifications. The guidelines are not expected to affect industry growth.

The guidelines for construction aggregates are based upon settling as a treatment technology. Should an operator wish to use a mechanical clarifier to comply with the limitations, he would be allowed a discharge from a recycling system to eliminate a build up of fines or dissolved solids. However, no such problems with recycling were observed during this study.

5. One commenter stated that treatment costs were not considered for waste water from wet dust suppression systems, but treatment was required since this waste water was included in the definition of process water.

Although waste water from these dust suppression systems is defined as process water, very little waste water results from these air pollution control units. When operated properly, the fine mist of water usually adheres and is dissolved into the material. The cost for treating any excess water would not be considered significant compared to the total treatment cost for process water.

6. Several commenters concerned with the crushed stone industry felt that the regulations should not require impoundment and treatment of storm water runoff and stated that to construct a treatment system to treat the amount of waste water from a 10-year 24-hour storm would be excessive. One commenter stated that ground water intrusion from such a storm was not considered and would have a greater effect on the treatment system than the surface runoff.

These regulations do not require impoundment of storm water runoff. Furthermore, treatment of storm water runoff is not required unless the water enters the treatment system for mine water or process water. Methods to prevent this from occurring include water management practices such as diversion ditches. However, if storm water runoff or water from some other source (for instance, mine water intrusion) enters the mine dewatering or process water treatment system, causing it to overflow, then the overflow must meet the mine dewatering or process water limitations unless the facility falls within the exemption set forth in the 10-year 24-hour storm event provision. That provision states that any overflow from facilities governed by this subpart shall not be subject to the limitations if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

In establishing effluent limitations and guidelines for point sources whose flow volumes may be dependent upon precipitation events, a determination was made as to when treatment facilities would be overwhelmed by extraordinary volumes. The 10-year 24-hour precipitation event and the flow resulting from such an event was selected as it represents a volume which can be used for national guidelines providing maximum protection to the environment without creating undue financial hardship on individual industries by requiring total containment or treatment regardless of volumes encountered.

7. One commenter requested that net limitations be considered rather than gross limitations.

The present regulations limit the gross discharge of pollutants. The Agency has promulgated regulations (40 CFR 125.28) concerning the net or gross application of effluent standards. Prior to the time of permit issuance an affected plant can petition for a net limitation if the applicant demonstrates that specified pollutants which are present in the applicant's intake water will not be removed by waste water treatment systems designed to reduce process waste water pollutants and other added pollutants to the levels required by the applicable limitations or standards. In light of these provisions for adjustment of effluent limitations, the gross limitations established in the present regulations are appropriate, as indicated in "Applachian Power v. Train," 9 E.R.C. 1033, 1053–4 (4th Cir. 1976).

8. Several commenters requested an exemption from the pH limitations, where acceptable to receiving waters, when the waste water exceeds pH 9.

The data available to the Agency do not indicate there is a problem in meeting the pH limitation. Furthermore, background water is generally not of this nature.

9. One commenter stated that the limitations for the crushed stone industry do not reflect the localized nature of the industry, which is predominately composed of small quarries.

The Agency realized that much of the industry was composed of small producers, and

during the study an attempt was made to obtain data and information on as many small and large operations as possible. Small producers, (less than 25,000 tons/year) were found to have small shallow quarries which are mined only a small percentage of the year, usually by a portable operation. These shallow quarries may not require dewatering and the portable process plants may not use process water. Those process plants using water typically construct a temporary settling pond and recycle waste water to the process plant. For this reason, the small quarries are expected to have less significant treatment costs than those associated with large deep quarries.

10. One commenter stated that the costs of constructing settling ponds for treating granite fines are much greater than for treating limestone fines, but that the higher costs of constructing larger treatment facilities were not taken into account in establishing limitations for the crushed stone industry.

Data were collected on both carbonate and noncarbonate (granite) quarries. The settling rates for granite and limestone fines were found to be somewhat different, necessitating slightly larger settling ponds for granite fines than for limestone fines. In developing the costs of the treatment facilities, the possible need for a slightly larger pond was taken into consideration by "overdesigning" the treatment system on which the cost figures for the industry were based.

11. Two commenters stated that the acid leaching process in the industrial sand industry was not studied during the development of the regulation.

The acid leaching process as part of the industrial sand industry was not initially included in the study to develop regulations. Information and some data have now been made available to the Agency on three plants which use this process. However, more data would be necessary before a national regulation could be developed. Therefore national limitations for operations using this process will not be established at this time.

12. One commenter stated that the definition of "process water" might be read to include water that has been used in dredging operations to pump dredged material directly to onshore classification processes. The commenter felt that regulation of such dischargers was not intended, and requested clarification of the process water definition.

Waste water (hydraulic water) from operations which use a hydraulic dredge to pump dredged material directly to onshore processing facilities is not included in the definition of process water and will not be nationally regulated at this time. Water which is used in the processing of the material will be subject to the limitations established for this industry. The regulatory language concerning this matter has been clarified.

13. One commenter stated that the definition of process waste water should be amended to exclude non-contact cooling water.

Non-contact cooling water is not included in the process water definition and will not be nationally regulated.

14. One commenter requested that the regulations provide for a blowdown where problems occur due to a buildup of fines or dissolved solids.

A blowdown of dissolved solids because of a build up of these solids in the process water will be allowed provided recycle of waste water to the process is practiced and this discharge is treated to the specified limitations. The difficulty in recycling said to be caused by dissolved solids build up was not found to be a problem in this study.

15. Two commenters requested that the ore slurry transport water used by the phosphate mining operations located in the West be excluded from the no discharge requirement for process water. They stated that recycling entails high energy costs in mountainous areas.

The no discharge requirement for slurry transport water has been amended in this regulation to allow a treated discharge subject to the specified limitations.

16. Several commenters requested clarification of language in the regulation for the phosphate mining industry concerning the waste water pollutants that were required to meet a no discharge limitation. Clarification of the statement allowing discharge of combined waste waters was also requested. Two commenters stated that detrimental effects on scrubber efficiency may occur if scrubber waste water is recycled in order to meet a no discharge requirement. One commenter stated that plant hydraulic water could not be used as pump seal water in remote transport line pumping locations.

The Agency has decided to amend the no discharge requirement imposed on certain phosphate industry discharges by the interim final regulations for the reasons set forth under Summary of Major Changes. The regulations have been amended to allow a discharge of waste waters from all sources within specified limitations. In most cases the companies are already practicing recycle of waste water to the extent possible in order to prevent depletion of ground water supplies.

17. Two commenters requested that more stringent TSS limitations be considered for the phosphate mining industry, and that specific limitations be imposed on radium 226, phosphorus and fluoride.

The Agency believes that the current TSS limitations are supported by the available data, for the reasons set forth under Summary of Major Changes. Practicable technology is not currently available within the phosphate industry to treat waste water specifically for radium 226, phosphorus or fluoride. However, radium 226 is removed by the settled slime and is controlled by the limitations on TSS. Phosphorus and fluoride appear to result from upstream contamination of intake water by chemical plants. The levels of these pollutants in the intake water will therefore be affected by regulations applicable to the upstream plants.

Subpart B—Crushed Stone Subcategory

Subpart C—Construction Sand and Gravel Subcategory

Subpart D—Industrial Sand Subcategory

Subpart R—Phosphate Rock Subcategory

AUTHORITY: Sec. 301(b), 304 (b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq., Pub. L. 92-500) (the Act).

Subpart B—Crushed Stone Subcategory

§ 436.20 Applicability; description of the crushed stone subcategory.

The provisions of this subpart are applicable to the mining or quarrying and the processing of crushed and broken stone and riprap. This subpart includes all types of rock and stone. Rock and stone that is crushed or broken prior to the extraction of a mineral are elsewhere covered. The processing of calcite, however, in conjunction with the processing of crushed and broken limestone or dolomite is included in this subpart.

§ 436.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the facilities shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of crushed and broken stone from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for treatment of such waste water.

§ 436.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger, effluent limitations in the NPDES permit either moreor less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Discharges of process generated waste water pollutants from facilities that recycle waste water for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l.	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(2) Except as provided for in paragraph (a)(1) of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l.	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

Subpart C—Construction Sand and Gravel Subcategory

§ 436.30 Applicability; description of the construction sand and gravel subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for construction or fill uses, except that on-board processing of dredged sand and gravel which is subject to the provisions of 33 CFR Part 230 and Part 230 of this chapter will not be governed by the provisions of this subpart.

§ 436.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of sand and gravel from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of waste without being used for other purposes or combined with other waste water.

§ 436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protetcion Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Discharges of process generated waste water pollutants from facilities that recycle waste water for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(2) Except as provided for in paragraph (a) (1) of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

Subpart D—Industrial Sand Subcategory

§ 436.40 Applicability; description of the industrial sand subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for uses other than construction and fill. These uses include, but are not limited to, glassmaking, molding, abrasives, filtration, refractories, and refractory bonding.

§ 436.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for the treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probably re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land actively mined for the production of sand and gravel from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other wastewater.

§ 436.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart with the exception of operations using acid leaching, after application of the best practicable control technology currently available:

(1) With the exception of operation using HF flotation, discharges of process waste water pollutants from facilities that recycle waste water, for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(2) Except as provided in paragraphs (a) (1) and (3) of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(3) Process generated waste water from facilities employing HF flotation shall not exceed the following limitations:

[Metric units kg/kkg of total product]
[English units lb/1,000 lb of total product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	0.040	0.023
Total fluoride	.006	.003
pH	Within the range 6.0 to 9.0.	

(4) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l.	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

Subpart R—Phosphate Rock Subcategory

§ 436.180 Applicability; description of the phosphate rock subcategory.

The provisions of this subpart are applicable to the mining and the processing of phosphate bearing rock, ore or earth for the phosphate content.

§ 436.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for the treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively used for or resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for settling or treatment of such waste water.

§ 436.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Discharges of process generated waste water and mine dewatering discharges, shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	60 mg/l.	30 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

[FR Doc.77-19845 Filed 7-11-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER A—GENERAL

[FPMR Amdt. A-27]

PART 101-5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS

GSA Policy Concerning Centralized Services in Federal Buildings

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This change removes references to outdated regulations. A recent reorganization in GSA resulted in a consolidation of functions and eliminated the need for certain regulations.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406 (703-557-1914).

SUPPLEMENTARY INFORMATION: Federal Management Circular (FMC) 73-4, December 4, 1973, provides policy guidance for the executive branch concerning the establishment and management of central supporting services in Federal office buildings. That circular is codified in the Code of Federal Regulations (34 CFR Part 271). Since March 1965 the Federal Property Management Regulations have also provided policy guidance pertaining to this subject area. As a means to eliminate this duplication in the Code of Federal Regulations and to enable agencies to more readily react to GSA policy pronouncements affecting the applicable separate functional areas (e.g., transportation services, printing and duplicating services, health units, etc.), certain overlapping GSA regulations are being canceled. These cancellations will have no effect on existing GSA

regulations appearing in the FPMR governing the particular area(s) of agency concern. Accordingly, 34 CFR Part 271 is hereby vacated and reserved.

Subpart 101–5.1—General

1. Section 101–5.100 is revised as follows:

§ 101–5.100 Scope of subpart.

This subpart states general policies, guidelines, and procedures for establishing centralized services in multioccupant Federal buildings.

2. Section 101–5.104–7 is revised as follows:

§ 101–5.104–7 Administrator's determination.

(a) The Administrator of General Services will determine, on the basis of the feasibility study, whether provision of a centralized service meets the criteria for increased economy, efficiency, and service, with due regard to the program and internal administrative requirements of the agencies to be served. The Director of the Office of Management and Budget and the head of each agency affected will be advised of the Administrator's determination and of the reasons therefor. Each determination to provide a centralized service shall include a formal report containing an explanation of the advantages to be gained, a comparison of estimated annual costs between the proposed centralized operation and separate agency operations, and a statement of the date the centralized facility will be fully operational.

(b) While a formal appeals procedure is not prescribed, any agency desiring to explain its inability to participate in the use of a centralized service may do so through a letter to the Director of the Office of Management and Budget, with a copy to the Administrator of General Services.

Subpart 101–5.2—Centralized Field Duplicating Services

Section 101–5.203–5 is revised as follows:

§ 101–5.203–5 Uniform space allowances.

The space requirements for printing, duplicating, and related equipment under individual agency use as compared with use in a centralized facility will be based upon uniform space allowances applied equally under both conditions.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 29, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77–19882 Filed 7–11–77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 160f—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Correction

In FR Doc. 77–18449 appearing at page 33005 in the issue of Tuesday, June 28, 1977 on page 33011, first column, the first paragraph designated (p) should be removed and paragraph (q) which immediately follows should be transferred to the second column under paragraph designated (p) (3).

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36141]

ANNUAL, SPECIAL OR PERIODIC REPORTS, REPORTS OF MOTOR CARRIERS, REPORTS OF WATER CARRIERS, AND REPORTS OF FREIGHT FORWARDERS

Corporate Disclosure Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has adopted Corporate Disclosure Regulations requiring carriers with annual gross carrier operating revenues of $20 million or more to file corporate ownership disclosure information. The annual reporting requirements include information concerning corporate structure, affiliations of officers and directors, and holders of the carriers' debts. A proposed section concerning voting stock ownership disclosures was not adopted due to substantial questions concerning its feasibility and usefulness.

EFFECTIVE DATE: Year ended December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, Phone No.: 202–275–7565.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 3, 1974, an Interagency Steering Committee on Uniform Corporate Reporting was established to develop Model Corporate Disclosure Regulations dealing with corporate structure, voting stock ownership, affiliations of officers and directors, and debtholdings. Released in January 1975, the model reporting requirements represented a consensus of the committee members and incorporated information from extensive hearings and studies conducted by Senator Lee Metcalf, Chairman, Subcommittee on Reports, Accounting and Management.

Senator Metcalf recommended in a January 24, 1975, letter to certain agency heads that Federal regulatory agencies adopt these model regulations. This Commission responded by publishing a Notice of Proposed Rulemaking on April 1, 1975, containing regulations basically identical to the model regulations.

Many of the 76 respondents to our April 1, 1975, notice requested clarification of the proposed regulations. Accordingly, we held an informal conference in January 1976. A substantial majority of those commenting on the regulations questioned the Commission's authority to adopt them. The Commission stated that sections 12(1), 20(1), 20(5), 204(a)(7) and 220(d) of the Interstate Commerce Act, as amended, not only give the Commission the authority but the obligation to concern ourselves with the activities of the persons controlling, controlled by, and sharing control with carriers.

Some respondents stated that it was not feasible for a carrier to obtain the beneficial holders of voting stock. The Commission also concluded that adoption of the section dealing with voting stock ownership disclosure was inadvisable due to questions concerning the feasability of obtaining the desired information. Consequently, the Commission questioned the usefulness of the information on beneficial owners that would be reported. Accordingly, the Commission delayed adoption of this section pending further study.

The Annual Reports referred to in Parts 1241, 1249, 1250, and 1251 of Title 49 of the Code of Federal Regulations are amended to include the following material:

(No. 36141)

CORPORATE DISCLOSURE REGULATIONS

DEFINITIONS

Annual reporting. The term "annual reporting" means as of December 31 of each calendar year, or accounting year of thirteen 4-week periods (as defined in sections 1240.4, 1240.5, and 1249.3 of Title 49 CFR).

Control. The term "control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management on policies of a person, natural or artificial. Sources of power may include, but are not limited to equity security ownership; debtholdings; sole or partial voting arrangements; common directors, officers, or stockholders; or lease, purchase, lines of credit, supply, distribution, or operating agreements.

Financing lease. The term "financing lease" shall refer to any lease which during the noncancelable lease period, either (1) covers 75 percent or more of the economic life of the property or (2) has terms which assure the lessor of a full recovery of the fair market value (which would normally be represented by his investment) of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans.

Parent of respondent. "Parent of respondent" shall refer to every firm, holding company or other person or combination of persons who ultimately control the respondent, as well as any intermediary controlling entity.

Respondent. "Respondent" shall refer to all carriers required to file corporate ownership disclosure: Class I Railroads; Electric Railways; Express Companies; Pipeline Companies: Refrigerator Car Lines; Class I Carriers of Property; Motor Carrier Holding Companies; Class I Carriers of Passengers; Class A Inland and Coastal Waterways; Maritime Carriers; Class A Freight Forwarders; and all companies considered to be carriers pursuant to an order entered under section 5(3) of the Interstate Commerce Act; except that those carriers having gross carrier operating revenues (including interstate and intrastate) of less than $20 million from carrier operations for their most recent accounting year shall not be considered "respondents."

Joint venture. The term "joint venture" refers to a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

ANNUAL REPORTING REQUIREMENTS

I. Corporate Structure.—A. For each respondent, parent of respondent, subsidiary, or organization controlled by the respondent, joint venture involved in by the respondent, and subsidiary of an organization controlled by joint ventures involved in by the respondent, the following information shall be submitted by respondent:

1. Name and address.

2. Basis of control. Indicate the method by which control is exercised. Examples may include, but are not limited to: equity security ownership; debtholdings; sole or partial voting arrangements; common directors, officers, or stockholders; or lease, purchase, lines of credit, supply, distribution, or operating agreements.

3. Principal business activities. List and describe by four-digit SIC code and short title each industry in which the organization's activities generated, 10 percent of its gross revenues or $5 million (during the reporting year). For digit industry SIC codes and short titles are listed in the most recent "Standard Industrial Classification Manual" as published by the Executive Office of the President, Office of Management and Budget. Four-digit SIC codes and short titles should be listed in order of significance relative to the total activities of respondent, based upon the percentage of gross revenues generated within each four-digit industry.

4. Copy of the latest balance sheet and income statement and consolidated balance sheet and income statement, if available.

B. Each respondent shall file a copy of any chart or other graphic material showing the relationship of the respondent to its parents, subsidiaries and other hand referred to in subparagraph A.

C. In addition to subparagraph A above, list every corporation, partnership or other business organization in which the respondent owns more than 5 percent of the outstanding voting securities or other ownership interests and indicate the percentage so owned.

II. Affiliations of Officers and Directors.—A. The name and address of each of the company's principal officers and each director, trustee, partner or person exercising similar functions, of the respondent and parent together with his title and position with the respondent and with any parent, holding company, person, or combination of persons, controlling the respondent, and with any subsidiary of the respondent and any other company, firm, or organization which the respondent controls.

B. For each of the officials named under subparagraph A above, list his principal occupation or business affiliation if other than listed in subparagraph A, and all affiliations with any other business or financial organizations, firm or partnership. For purposes of this part, the official will be considered to have an affiliation with any business or financial organization, firm or partnership in which he is an officer, director, trustee, partner, or a person exercising similar functions.

C. A list of each contract, agreement, or other business transaction exceeding an aggregate amount of $50,000, in any 1 year, entered into between the respondent and any business or financial organizations, firm or partnership named in subparagraph B above, identifying the parties, amounts, dates and product or service involved.

D. A list of each contract, agreement or other business arrangement in excess of $600 entered into during the reporting period (other than compensation related to position with respondents) between the respondent and each officer and director service involved. In addition, provide the same information with respect to professional services for each firm, partnership, or organization with which the officer or director is affiliated.

III. Debtholdings.—A. A description of each long-term debt (debt due after 1 year) of the respondent, including the name and address of the creditor, the character of the debt, the nature of the security, if any, the date of origin, the date of maturity, the total amount of the debt, the rate of interest, the total amount of interest to be paid, and a copy of any and all restrictive covenants attached to the indebtedness. (Where such indebtedess is widely held, such as bonds and debentures, provide the nature of the trustee in place of the creditor.) With respect to each holder of more than 5 percent of each issue reported, provide the name, address, and type of holder—bank, broker, holding company, individual, or other specified category and amount of debt held.

B. A description of each short-term debt of the respondent (under 1 year) outstanding at yearend, excluding accounts payable, including the name and address of the creditor, nature and character of the liability, period of the debt, rate of interest, total amount of is widely held, such as bonds and debentures, such short-term debt, nature of the security and a copy of any and all restrictive covenants attached to the indebtedness. (Where such indebtedness is widely held, provide the name of the trustee in place of the creditor.)

C. A description of each financing lease arrangement, equipment trust, conditional sales contract, and other major liabilities with respect to the capital assets of the respondent and involving aggregate payments in excess of one million dollars and a copy of any and all restrictive convenants attached to the indebtedness.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19878 Filed 7-11-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 251—FINANCIAL AID PROGRAM PROCEDURES FISHERY FOR SURF CLAMS

Subpart B—Conditional Fisheries

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final rulemaking.

SUMMARY: This document incorporates in Subpart B of Part 251 a new section to adopt the "fishery for surf clams" as a Conditional Fishery so that application of National Marine Fisheries Service (NMFS) financial assistance in that fishery will be limited to that which does not significantly increase harvesting capacity. It has been determined that there exists sufficient fleet capacity to harvest surf clams. The intended effect of this action is that NMFS financial assistance activities will be consistent with the wise use of the surf clam resource and with its development, advancement, management and protection.

DATES: Effective (on date of publication in the FEDERAL REGISTER).

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7496.

SUPPLEMENTARY INFORMATION: On February 10, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 8389) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in Subpart B of Part 251 a new section to adopt the "fishery for surf clams" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fishery will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) are reviewed to assure that due consideration may be afforded to participants or potential participants in these programs.

In response to the notice, no objections to the adoption of the fishery for surf clams as a Conditional Fishery were re-

ceived. Additionally, the Director notes that adoption of the proposed amendment would be consistent with the Mid-Atlantic Fishery Management Council's proposed management plan which recommends that surf clam harvesting be reduced.

After due consideration, the Director concludes that the proposal to amend Part 251 of this Chapter, Subpart B—Conditional Fisheries, to add a new § 251.25 is hereby adopted as set forth below.

Subpart B—Conditional Fisheries

§ 251.25 Fishery for surf clams.

By order of the Administrator, National Oceanic and Atmospheric Administration.

WILMOT N. HESS,
Acting Associate Administrator.

[FR Doc.77-19866 Filed 7-11-77;8:45 am]

Tile 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 16]

PART 121—SMALL BUSINESS SIZE STANDARDS

Special Procedure for Determining Size Status of Loan Applicant That Has Suffered an Economic Disaster Caused by Requirements Imposed on it by Federal Law, Regulation, or Order; TRIS

AGENCY: Small Business Administration.

ACTION. Final rule.

SUMMARY: This rule provides a special procedure to determine the size status of SBA loan applicants which have suffered a substantal injury or disaster caused by a Federal law, regulation, or order. This action is in response to the severe financial difficulties in the apparel industry caused by the recent Government ban of the flame retardant chemical TRIS in children's sleepwear, and the requirement that the manufacturers make refunds on their sales of TRIS-treated sleepwear. By using a firm's current fiscal quarter receipts or employment rather than the past fiscal year's to determine its small business size status, this procedure may qualify some applicants for financial assistance which might not otherwise have qualified.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry D. Bronstein, 202-653-6373.

SUPPLEMENTARY INFORMATION: It has come to the attention of the Small Business Administration that there are a number of concerns which, under our currently effective definitions, do not qualify as small business concerns based on their annual receipts for their most recently completed fiscal year or their average employment for the preceding 12 months, but which have suffered sudden and significant business losses due to requirements imposed on them by a Federal Law, regulation, or order, of the type which makes them eligible for section 7(b)(5) assistance, and consequently have, practically speaking, become small businesses.

In 1974 we adopted a special procedure for determining the size status of concerns which had suffered a significant loss of business due to the energy crisis and we consider that a similar rule is needed at this time for the economic disasters described above.

Since this rule is designed to assist concerns that have undergone economic disasters, it has been determined that the public notice procedure would be impracticable and contrary to the public interest and that good cause exists for making it effective immediately.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is amended by:

1. Revising the proviso clause in the first sentence of § 121.3-2(b) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * *

(b) "Annual receipts" means * * * *Provided, however,* If, for the purpose of receiving financial assistance under a Small Business Administration program, it is determined that (1) the applicant has completed at least 3 months of its current fiscal year, (2) its gross income (less returns and allowances, sales of fixed assets, and interaffiliate transactions) for the completed months of its current fiscal year are at least 25 percent lower than its receipts during the corresponding months of its most recently completed fiscal year, and (3) the reduction in receipts was primarily due to the shortage of energy or materials, or a substantial economic injury which makes it eligible for section 7(b)(5) assistance, its "annual receipts" for size determination purposes shall be computed by reducing its annual receipts for its most recently completed fiscal year by the determined percentile.

* * * * *

2. Deleting the second sentence and revising the first sentence of § 121.3-2(t) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * *

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of the preceding 12 months: *Provided, however,* If, for the purpose of determining a concern's eligibility for financial assistance under a Small Business Administration program, it is determined that a concern's employment in its most recently completed calendar quarter is at least 25 percent lower than its employment in the corresponding quarter in the preceding calendar year (or its annual receipts for the preceding 3 complete months are at least 25 percent less than its annual receipts for the corresponding months of the preceding calendar year) and that such reduction in employment (or receipts) was primarily due to the shortage of energy or materials, or to a substantial economic injury which makes it eligible for section 7(b)(5) assistance, its "number of employees" for size determination purposes shall be determined by reducing its average employment for the preceding 12 months by the determined percentile. * * *

* * * * *

Dated: July 8, 1977.

(Catalog of Federal Domestic Assistance Program No. 59.002.)

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-20127 Filed 7-11-77;10:25 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 53]

CARCASS BEEF

Standards for Grades

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Extension of time for filing comments.

SUMMARY: The period for filing comments on the proposed rule to provide definitions of certain terms—carcass, side, quarter, wholesale cut, primal cut, and subprimal cut—which are used in the official United States Standards for Grades of Carcass Beef published in the FEDERAL REGISTER, June 8, 1977 (42 FR 29313), is being extended from July 8, 1977, to August 8, 1977, in response to written and verbal requests for an extension of the comment period.

DATE: Comments, in duplicate, must be received by the Hearing Clerk on or before August 8, 1977.

ADDRESS: Send comments to: Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

C. E. Murphey (202–447–3997).

Dated: July 6, 1977.

IRVING W. THOMAS,
Acting Deputy Administrator, Commodity Services.

[FR Doc.77–19929 Filed 7–11–77;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 100]

[Notice 1977–38]

FEDERAL CANDIDATES; SPONSORSHIP AND FINANCING OF PUBLIC DEBATES

Request for Comments

AGENCY: Federal Election Commission.

ACTION: Proposed regulations.

SUMMARY: This notice contains a request for public comments on proposed regulation of the sponsorship and financing of public debates between or among federal candidates. This action is taken to implement the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 et seq.

DATES: Close of comment period is September 30, 1977.

ADDRESS: Send comments to Federal Election Committee, Office of General Counsel, 1325 K Street NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT:

Joan M. Bernott (202–523–4053 or 202–523–4143).

SUPPLEMENTARY INFORMATION: The Commission requests public comment to assist it in formulating regulations governing the sponsorship and financing of public debates between or among candidates. Pertinent existing regulations appear at Title 11 of the Code of Federal Regulations, § 100.4 (Contributions: "made for the purpose of influencing" a Federal election) and sections 114 and 115 (Corporate and Labor Organization Activity; Federal Contractors; disbursements made "in connection with" a Federal election). See also 2 U.S.C. Sections 441 (a), (b), and (c), and 431; and 26 U.S.C. sections 9003 (b) (2) and 0912(b).

The period for receipt of written comments will close September 30, 1977. Submissions should be made to the Office of General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, and will be made available to the public in the Office of Public Records. Hearings will begin on September 12, 1977. Applications for a place on the hearing agenda should be made in writing to Commission Chairman Thomas E. Harris by August 31, 1977.

The Commission is concerned with resolution of many practical problems that underlie Question 1 posed below. Public response must be precise and admit of application to a wide range of situations involving debates by candidates in each of six distinct election categories. If the submittor feels there are circumstances in which disbursements made to finance a debate are not "for the purpose of influencing" or "in connection with" a Federal election, the Commission requests that the submittor further consider, in detail, what factors are relevant in determining those circumstances. For example, is exclusion or inclusion of particular candidates significant to the debate's influence on or connection with the election? If there are circumstances in which the debate neither influences nor is in connection with the election, do such circumstances exist in a Presidential general election debate in which one participant qualifies on the ballot in more states than the other participant (or one of the others)? Do they exist where one participant has qualified for general election Federal funds pursuant to 26 U.S.C. Chapter 95 and the other has not? Do such circumstances exist in a Presidential primary debate which includes all candidates qualified to appear on the election ballot but excludes an independent or self-proclaimed candidate who does not? Or which includes all candidates who qualify for matching funds pursuant to 26 U.S.C. Chapter 96 but excludes those who do not? What about congressional primary and general elections? Do such circumstances exist in a House general election debate where major party nominees participate but minor party, new party or independent candidates, qualified to appear on the ballot, do not?

More generally, is the nature (nonprofit, educational, long standing, etc.) of the sponsoring organization or interest relevant to the debate's influence on or connection with the election? If so, how? Is control over the subject matter or format of the debate significant? If so, how? Who should have such control? What additional factors have significance?

The Commission asks that public submissions reflect consideration of the foregoing problem areas and respond specifically to the Questions set out below. Submissions that include proposed regulation language are particularly helpful. The Commission is also interested in contributions of factual material which the submittor feels is relevant, as well as comments in response to the submissions of others.

1. As regards debates between or among all candidates (major party, minor party and independent) in each of the following: (a) Presidential primary elections; (b) Presidential general elections; (c) Senate primary elections; (d) Senate general elections; (e) House primary elections; (f) House general elections:

A. Do debates influence an election within the meaning of the Act?

(i) Under what circumstances or conditions are contributions to finance a debate not "made for the purpose of influencing" the election?

(ii) Under what circumstances or conditions is sponsorship or administrative management of the debate not a contribution "made for the purpose of influencing" the election?

B. Are debates "in connection with" an election, within the meaning of the Act?

(i) Under what circumstances or conditions are a corporation's disbursements of its general treasury funds made to finance the debate not a contribution or expenditure "in connection with" the election?

(ii) Under what circumstances or conditions are a labor union's disbursements of its general treasury funds made to finance the debate not a contribution or

expenditure "in connection with" the election?

(iii) Under what circumstances or conditions are a Federal contractor's disbursements of its general treasury funds made to finance the debate not a contribution or expenditure "in connection with" the election?

2. Who sponsors and/or contributes to the financing of candidate debates?

3. What purposes are served by candidate debates?

4. What effects, particularly partisan effects, do candidate debates have on the ensuing election?

5. What effects do corporate, labor union and/or Federal contractor sponsorship and contributions to the financing of candidate debates have on the debates? On the ensuing election?

Dated: July 6, 1977.

JOAN D. AIKENS,
Vice Chairman for the Federal Election Commission.

[FR Doc.77-19981 Filed 7-11-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 223]

[EDR-302A; Docket 29587; Dated: July 5, 1977]

FREE AND REDUCED-RATE TRANSPORTATION

Termination of Rulemaking Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of termination of rulemaking proceeding.

SUMMARY: This notice states that the Board has determined not to adopt a previously proposed rule which would have authorized carriers to provide free transportation to Federal Aviation Administration engineering flight test pilots and aeronautical procedures specialists.

DATES: Effective: July 5, 1977. Adopted: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5436).

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-302, July 29, 1976[1] the Board announced that it had under consideration a proposed amendment to § 223.23 of its Economic Regulations (14 CFR 223.23) which would authorize air carriers to provide free transportation to engineering flight test pilots and aeronautical procedures specialists of the Federal Aviation Administration. The authorization was proposed pursuant to an informal request from the FAA which had stated that the free transportation would allow these employees to become familiar with aircraft operating techniques and procedures.

[1] 41 FR 32612.

Comments have been received from the Air Transportation Association (ATA) on behalf of its member carriers, from the Department of Transportation (DOT)[2] and from the following individuals: Larry B. Andriesin, James B. Ashley, Wayne J. Barbini, Frank J. Hoerman, George Lyddane, Paul W. Martin, Donald R. Marshall, George F. Mulcahy, Darrell M. Reduson, Lester M. Starbuck, Robert M. Susi, Ernest A. Weil.

Briefly, ATA takes the position that the proposed rule should not be adopted because it is subject to abuse, and that unnecessary personnel in the cockpit can be a safety hazard. The individuals, all of whom are either FAA engineering flight test pilots or flight test engineers, support the proposed rule but also seek approval for free transportation of flight test engineers, who, they assert, have responsibilities similar to those of engineering flight test pilots.[3] DOT seeks inclusion of engineering flight test pilots and aeronautical procedures specialists under § 233.22 rather than § 223.23. In the alternative, it requests that the Board withdraw the proposed amendment to § 223.23. After due consideration of all the comments, we have determined not to adopt our proposal in EDR-302 and to terminate this proceeding.

Our regulations presently provide for free transportation of three groups of Federal Aviation Administration employees. Under section 223.22, safety inspectors may demand free transportation from any air carrier, in order to carry out their duty to inspect "during flight * * * aircraft, its engines, propellers, appliances, route facilities, operational procedures, or airman competency."[4] The language of this section is mandatory on air carriers, and no limitations are placed on the timing or frequency of the free transportation. Safety inspectors require this broad grant of authority, however, because inspection during revenue flight is an integral element of the performance of their duties. Observation of aircraft operation is not merely a useful adjunct to a safety inspector's job; the inspector must have access to the aircraft in order to perform the necessary inspections.

The other two categories of FAA personnel authorized for free transportation, traffic controllers and aircraft communicators, are covered by the terms of § 223.23.[5] This section provides a more limited grant of access to aircraft than § 223.22. Under § 223.23, the authorization to carriers to provide free transportation is permissive, and each individual is ordinarily restricted to one round trip per carrier in any given calendar year.[6] The section is designed to accommodate the needs of those employees whose duties do not require the unrestricted right to free transportation granted to safety inspectors.[7] Traffic controllers and aircraft communicators are authorized free transportation so that they may learn about inflight problems and procedures, and thereby improve their job performance. Periodic access to aircraft provides them an opportunity to obtain valuable data and a useful perspective on their jobs. But in contrast to safety inspectors, the flights are not an essential element of the duties of these employees.

Nothing thus far presented has indicated to us that the provisions of § 223.23 would be insufficient to meet the requirements of engineering flight test pilots and aeronautical procedures specialists. In terms of both the frequency with which they need free transportation and the purpose it serves in their duties, the position of these persons seems closer to that of traffic controllers and aircraft communicators than to that of safety inspectors. Thus, DOT states that aeronautical procedures specialists will gain "perspective to better accomplish their jobs" by transportation on the carrier flight deck, and that it would "provide an opportunity to observe their work product being used by the air carrier flight crew."[8] As for engineering flight test pilots, DOT states that inflight observation would "greatly enhance" their job performance.[9]

We would be prepared to finalize the rule as proposed. However, in view of the opposition of DOT to the inclusion of these employees under section 223.23, we will not do so. Rather, the Board will adopt DOT's alternative prayer, and terminate the proceeding.

(Section 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19916 Filed 7-11-77;8:45 am]

[2] The DOT comment was accompanied by a motion for leave to file late, which we will grant.

[3] Since we have determined not to adopt any part of our proposed rule, the comments of these FAA employees are mooted. Nevertheless, we would point out that we believe that the initial request for job-related free air transportation should come from the agency involved, rather than the individuals who will obtain the benefit of the free transportation.

[4] 14 CFR 223.22.

[5] Section 223.23 also provides for free transportation of aviation weather forecasters of the National Weather Service.

[6] We note that § 223.23 does not impose any limit on the total amount of free transportation available to authorized persons. When the proper performance of the employee's official duties requires more than one round-trip on the same carrier during the calendar year, the individual merely needs to obtain certification of this fact from his agency.

[7] The purpose of § 223.23 is illustrated by the preamble to ER-314 (25 FR 9941) which made aviation weather forecasters eligible for free transportation. We stated that forecasters, like FAA traffic control and communications personnel, had official duties which "relate exclusively to the safety of aircraft in flight" and could only perform them "efficiently and properly if given an opportunity to study actual flight conditions and gain a better understanding of the problems faced by flight crews whose operations are dependent on their ground based facilities and services."

[8] DOT comments, p. 4.

[9] Id, p. 5.

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 762 3094]

S. S. KRESGE COMPANY

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: This consent order, among other things, requires a Troy, Mich., general merchandise retailer, to cease authorizing or instituting credit collection suits in counties other than where a defendant resides or signed the relevant contract. Further, where such suits have already been initiated, the firm is required to terminate them, vacate any rendered judgments, and give notice to concerned parties that such action has been taken.

DATE: Comments must be received on or before September 9, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, 1339 Federal Office Building, 1240 East Ninth Street, Cleveland, OH, 44199, 216–522–4207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of S. S. Kresge Company, a corporation; file No. 762 3094; Agreement Containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of S. S. Kresge Company, a corporation, hereinafter sometimes referred to as proposed respondent, and of certain acts and practices of other parties, in connection with the collection of retail credit accounts, and in appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between S. S. Kresge Company, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent S. S. Kresge Company is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Michigan, with its office and principal place of business located at 3100 West Big Beaver, in the City of Troy, State of Michigan 48084.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondent waives: (a) Any further procedural steps; (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the said copy of the complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

I

It is ordered, That proposed respondent, S. S. Kresge Company, a corporation, and its successors; assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of retail credit accounts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from authorizing the institution of or instituting retail collection suits other than in the county where the defendant resides at the commencement of the action, or in the county where the defendant signed the retail credit contract sued upon. Institution of suit in the county appearing from proposed respondent's business records to be defendant's last known address shall be compliance, unless proposed respondent otherwise knows of a more current address. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions quasi in rem or involving real property or fixtures attached to real property, that suit be instituted in a particular county. The term "county" includes any equivalent political subdivision known by some other term.

II

It is Further Ordered, That as to any retail credit collection suit instituted in the name of proposed respondent by collection agencies or other parties subsequent to the date of this order, outside the county where the defendant resides or signed the contract sued upon and which is not required by rule of law to be instituted in some other county, such suit shall be terminated and any default judgment entered thereunder vacated forthwith after proposed respondent learns of such suit or judgment. In all such cases, clear notice shall be provided to the defendants to these actions, to each "consumer reporting agency," as such term is defined in the Fair Credit Reporting Act (15 U.S.C Section 603) which proposed respondent knows or has reason to know recorded the suit or judgment in its files, and to any other person or organization upon request of the defendant.

III

It is Further Ordered, That proposed respondent shall forthwith deliver a copy of this order to each of its subsidiaries and operating divisions dealing with consumer credit and to each agency with whom proposed respondent currently places its retail credit accounts for collection, and to any other agency prior to referral of proposed respondent's retail credit accounts for collection. Proposed respondent shall obtain and preserve for two (2) years after it terminates its business relationship with any agency with regard to the collection of retail credit accounts, a signed and dated statement from each agency acknowledging receipt of the order and willingness to comply with it.

IV

It is further ordered, That proposed respondent notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation, including the creation or dissolution of subsidiaries, which may affect compliance obligations arising out of the order.

It is further ordered, That proposed respondent shall, within sixty (60) days and at the end of six (6) months after the effective date of the order served upon it, file with the Commission a report, in writing, signed by proposed respondent setting forth in detail the manner and form of its compliance with this order.

S. S. KRESGE COMPANY

[File No. 762 3094]

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from S. S. Kresge Company.

The proposed consent order has been placed on the public record for sixty (60)

days for reception of comments by interested parties and the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it will withdraw from the agreement or make final the agreement's proposed order.

S. S. Kresge Company is a Michigan Corporation which engages in mass retail merchandising. Its subsidiary, K-Mart Enterprises, Inc., has in the past instituted a program of granting credit to consumers through the use of credit cards. The complaint alleges that Kresge, in attempting to collect allegedly delinquent retail credit accounts, placed some of these accounts with debt collection agencies. These agencies, through their attorneys, sued consumers in counties other than where the consumer lived or signed the purchase contract. As a result, the cost and inconvenience to consumers of defending the suits effectively deprived some of them of the opportunity to defend themselves.

The consent order in this matter prohibits Kresge from instituting or authorizing the institution of retail credit collection suits in counties other than where the defendant resides or signed the purchase contract. The consent order also requires Kresge to give notice to the consumer, credit reporting agencies, and other parties if suits in these distant counties occur in the future. In addition, the order requires the respondent to obtain a statement from any collection agent that it is willing to comply with the terms of this order. Finally, the order requires Kresge to file a report with the Commission setting forth the manner and form in which it has complied with the order.

The order is designed to prevent Kresge's retail credit customers from being sued in a county far from their home or where they purchased goods. Thus, the order will help insure that consumers have a practical opportunity to defend themselves.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way its terms.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-19946 Filed 7-11-77;8:45 am]

[16 CFR Part 13]

[File No. 751 0011]

UNION CARBIDE CORP.

Consent Agreement With Analysis To Aid Public Comment; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 77-15204, Appearing in the FEDERAL REGISTER issue of Friday, May 27, 1977; *In the Matter of Union Carbide Corp.*, Consent Agreement with Analysis to Aid Public Comment.

FOR FURTHER INFORMATION CONTACT:

Gordon Youngwood, Attorney, Bureau of Competition, Federal Trade Commission, 2120 L Street NW., Washington, D.C. 20580 (202-254-6975).

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 77-15204: page 27258, right hand column, tenth line from the bottom, after the word "year," insert the following, "prior to the calendar year."

CAROL M. THOMAS,
Secretary.

[FR Doc.77-19900 Filed 7-11-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

FIRE ISLAND NATIONAL SEASHORE, NEW YORK

Vehicle Use Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below include a description of the off-road routes which would be available for the use of motor vehicles on Federally owned lands within Fire Island National Seashore and a revision of the existing regulations which control the operation of vehicles on off-road routes. General regulations of the National Park Service limit the use of motor vehicles to established public roads, but allow for off-road use in designated locations under certain circumstances. A description of Fire Island's off-road routes is being included in this proposal as a means of providing for public comment on the designation of these routes, as well as on the regulations controlling vehicle use. These vehicle use regulations are necessary to preserve the natural resources of the Seashore to ensure safety for its visitors, and to minimize conflicts with other land uses. Experience has shown that the existing regulations should be adjusted to provide for the imposition of additional restrictions which will keep vehicular travel at a level low enought to meet these requirements. The proposed revision incorporates, in the regulations, a number of guidelines and standards which are intended to provide the degree of control deemed to be necessary to accomplish National Park Service responsibilities for management of the Seashore.

DATES: Written comments, suggestions, or objections regarding this proposal will be accepted until August 11, 1977.

ADDRESSES: Comments should be directed to: Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772.

FOR FURTHER INFORMATION CONTACT:

Richard W. Marks, Superintendent, Fire Island National Seashore, Telephone: 516-289-4810.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Fire Island National Seashore is a roadless area which, nevertheless has a potential for a large volume of vehicular traffic. A number of communities are located within the boundaries of the Seashore, particularly in the westernmost section. These communities contain the full-time homes of a number of people, as well as part-time, vacation, or rental homes which serve a much greater number of people. These homes and the land on which they are built are privately owned and most are likely to remain so, despite their location within the Seashore. The presence of these communities creates a need for access to them not only for residents but in order to provide services necessary to the operation and maintenance of the homes in the communities. In addition, many visitors to the Seashore seek to use motor vehicles as a means of access to the beaches for fishing or hunting.

The language of Pub. L. 88-587, which authorized the establishment of Fire Island National Seashore, makes it clear that protection of the Seashore's natural resources was to be a primary objective in its management. Research at Fire Island and in other seashore areas with similar characteristics has shown that there can be adverse resource impacts associated with the use of motor vehicles on beaches, dunes, and associated lands. These impacts include both damage to animal and plant communities and increased beach erosion. Additional impacts, not directly related to natural resources, result from the use of vehicles on public beaches, including adverse effects on the safety of beach users and on the esthetic atmosphere of beaches which are largely free of mechanical intrusions

The needs and interests for vehicular travel on land owned or controlled by the United States within the Seashore, coupled with the potential impacts of this travel, indicate a need to restrict the use of vehicles to a greater degree. For a number of years, control has been provided by the regulations now contained in paragraph (a) of § 7.20, 36 CFR, coupled with guidelines established by the Seashore administration. The degree of control afforded by these regulations and guidelines, however, has not been adequate to prevent recent large increases in volume and frequency of vehicular travel on Seashore lands. The purpose of this proposed amendment is to clearly state the restrictions which will be applied to vehicle use and to establish standards for the issuance of vehicle permits and for travel under these permits. It will also describe the off-road routes on which this travel may take place. These regulations are necessary so that vehicular travel on Seashore lands may be limited to a level of environmental impact which is acceptable under the Seashore's authorizing legislation and E.O. 11644, as amended by E.O. 11989 (42 FR 26959, May 25, 1977).

AREAS AFFECTED

These regulations are intended to apply to a variety of lands on Fire Island. These lands include properties within the boundary of the Seashore for which

the United States holds fee simple title or some other interest and for which the National Park Service has land management responsibility. Included in this coverage are those state-owned lands below the mean high water line on the southerly (Atlantic Ocean) shore of the island, for which the State of New York has authorized use and occupation by the United States by means of an indenture dated May 6, 1968. Another category of lands to which these regulations would apply is the 90 acre tract, commonly known as the "Lighthouse Tract," which is situated between two units of the Robert Moses State Park and is west of the westernmost boundary of the Seashore. The U.S. Coast Guard has, through a license valid until 1979, assigned to the National Park Service responsibility for management of this Federally-owned land, which has significant historical and natural resource values and may someday be included within the Seashore. The definition of "Seashore lands" supplied in paragraph (a) (1) (ii) of the regulations includes all of the lands described above. The regulations would not be applicable to travel on privately-owned lands or to lands within Smith Point County Park; vehicle travel on such lands is controlled by the regulations of several local jurisdictions.

DESIGNATION OF ROUTES

Off-road travel by motor vehicles within areas of the National Park System is controlled by the provisions of Executive Order 11644, issued February 9, 1972, as amended by E.O. 11989 (May 25, 1977), and a general National Park Service regulation (36 CFR 4.19), which implements the Executive Order. Under this regulation, extensively revised in 1974, off-road travel is prohibited except on routes or areas designated for this use in recreational areas, such as national seashores. At Fire Island, routes for off-road travel were designated a number of years ago but have not yet been redesignated through the procedures outlined in the revised regulation (36 CFR 4.19, April 1, 1974). These procedures include publication of a notice in the FEDERAL REGISTER, with a period of at least 30 days to be provided for the public to comment on the designation described in the notice.

A review of routes for off-road travel on Fire Island was conducted as a portion of the assessment of alternatives for dealing with vehicular travel in the Seashore. On the basis of this, it was determined that the routes which had previously been designated should be proposed for continued designation. These routes are described in subparagraph (2) of the proposed regulation.

Designation of these routes would not mean that unlimited motor vehicle use could take place on them. Their use would be subject to the restrictions set forth in the remainder of these regulations. These restrictions are intended to greatly reduce the potential for adverse impact which could come from the off-road travel.

TRAVEL REGULATIONS

In reviewing the nature of the motor vehicle issue at Fire Island, it has been determined that the most effective, feasible, and equitable method of controlling vehicular use is to impose two levels of control. The first level deals with restricting the availability of permits to those who have demonstrated needs for access to the island which cannot be answered by alternative transportation, as defined in the regulations. Permits will be issued for vehicular travel only under the circumstances specified in subparagraphs (5), (6), and (7) of the regulations. These restrictions are designed to protect Seashore resources and visitor use of Seashore lands from the effects of large numbers of vehicles which might seek to engage in non-essential travel on these lands in the absence of limitations.

It was recognized that allowing unlimited travel by the vehicles which qualify for permits would not provide adequate protection for Seashore lands. Therefore, controls have also been placed on the travel which is authorized for vehicles with permits. These controls, as set out in subparagraph (10), permit a level of travel which is intended to meet only essential needs and not that which is merely convenient for those who wish to travel to or from the island. The principal key to the application of these controls is the schedule of alternative transportation services. The spirit and intent of these regulations is that, under circumstances where alternative transportation is available, travel by motor vehicles will not be permitted.

A limit of one round trip per vehicle per day, to be performed only during specified times, is being proposed for those situations where vehicular travel will be permitted. The one round trip limit is intended to reduce the overall number of miles driven on Seashore lands, thereby reducing resource impact resulting from this travel. Furthermore, time limitations will eliminate vehicle use on the beaches at all times when they are being heavily used by people, thereby reducing conflicts and safety hazards associated with simultaneous use of lands by both pedestrians and vehicles. When travel is permitted, both halves of a round trip may be performed during either the early or late portions of the day. Alternatively, one half of a round trip may take place during the early part of a day and the other half during the late part of the same day. Also, a vehicle may leave the island on one day and return on another day during the authorized hours, or vice versa. The regulations do provide for possible exceptions to these restrictions, but these exceptions will be granted only under very limited circumstances and not on a routine basis. Enforcement of the limits on number of trips and times of travel, as well as other restrictions contained in these regulations, will be performed by National Park Service personnel located at entrance points at both the eastern and western ends of the Seashore.

It is intended that these regulations will form the basis for restricting vehicular travel to the maximum extent feasible, taking into account legitimate and essential needs of persons who demonstrate a necessity for such travel, when and where alternative transportation is not available. This action is not intended to take from any property owner any existing rights of vehicular access which may have been established by reservation, grant, prescription, or implication in accordance with state law. The regulations will serve only to control the manner in which such rights may be exercised. It should be pointed out that the issuance of National Park Service motor vehicle permits in the past, or the possession of a permit from a local jurisdiction, does not in itself establish a right of vehicular access. Due to the history of Fire Island and its roadless character, it is likely that few, if any, persons hold such access rights.

For those circumstances where vehicular travel will not be permitted, the primary means of access to Fire Island will remain watercraft. Historically, this has been the method by which most island visitors and residents have reached the area. It is only in recent years that bridges have made Fire Island readily accessible to motor vehicles, and it is an important objective in the management of the Seashore to maintain, to the degree possible, its character as an area largely free of motor vehicles. The island is served by a number of licensed or franchised passenger ferries, whose schedules vary with seasonal demands for travel to the island. It is these ferries which now provide, in most circumstances, a reasonable transportation alternative to the use of vehicles.

Other waterborne means of transportation, including water taxis and private boats, are also available for travel to and from the island, although such equipment is not included in the regulations' definition of "alternative transportation." In the development of this definition, which is of great importance in determining if vehicular travel will be permitted, primary attention was given to describing the characertistics necessary to make reliance on waterborne transportation reasonable. The requirement for service before 9:00 a.m. and after 5:00 p.m. is included to cover situations where persons must remain on either the island or the mainland for most of the day. The requirement for additional service if the early and late trips are more than 8 hours apart is to insure that persons whose needs require less than all-day stays do not have to wait an unreasonable period of time for return transportation. Further standards in the definition deal with locations of transportation terminals and with the suitability of the transportation service to carry persons or objects. It should be emphasized that subparagraph (10) of the regulations provides that motor vehicle travel is generally permitted only when alternative transportation is not available. Since most locations on the island are served by alternative transpor-

tation on all summer days, there will be few situations in which vehicle travel will be permitted during the summer period. Even in these rare instances, travel will not be indiscriminant but will be subject to the one round trip per day limitation and will be permitted only before 9:00 a.m. or after 6:00 p.m. During spring and fall weekends, when alternative transportation is also widely available, these same limitations will apply.

IMPACT ANALYSIS

An assessment of the management alternatives for controlling vehicular use within Fire Island National Seashore has been prepared by the National Park Service, and a review of the alternatives has been performed, whereupon it has been determined that preparation of an environmental impact statement is not warranted. This assessment is available for public review at the Seashore headquarters office, or interested parties may request copies of it from the Superintendent.

At the present time, a general management plan covering all aspects of the management of Fire Island National Seashore is being prepared. Elements of this master plan have received preliminary public review and the entire plan will be the subject of an environmental impact statement. Originally, the National Park Service had intended to hold in abeyance the revision of vehicle regulations until completion of the general management plan. However, given the unanticipated delay in completing the plan and the necessity to take action now to limit vehicle use, this subject is being dealt with in advance of final action on the general management plan. The regulations proposed herein are consistent with the plan in its present form, but will not preclude the consideration of other proposals for controlling vehicles on Fire Island. If public comment or other processes result in changes in the plan, placing these regulations in conflict with it, the regulations will be modified accordingly.

PUBLIC PARTICIPATION

It is the policy of the Department of the Interior, to the extent possible, to permit public participation in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections on this proposal. All such comments received will be reviewed to determine whether changes should be made in these regulations. Comments should be directed to the Superintendent, as specified in the ADDRESSES section of this notice.

In addition it is expected that public meetings to discuss these regulations will be held in the Fire Island vicinity during the public comment period. A schedule of these meetings will be announced by the Superintendent through local news media.

IMPLEMENTATION DATE

It is anticipated that the revised regulations will become effective on approximately September 15 and that they will serve as a basis for issuance of permits after that date. At the present time, motor vehicle permits for Fire Island have been reissued or extended and will be valid through September 15, 1977. This date is approximately the end of the summer season on the island. These permits are subject to restrictions similar to those incorporated in the regulations now being proposed.

AUTHORITY

The promulgation of these amendatory regulations is proposed under the authority of section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3): section 2(b), Pub. L. 91-383, 84 Stat. 826 (16 U.S.C. 1c); section 7, Pub. L. 88-587, 78 Stat. 931 (16 U.S.C. 459e-6); Paragraph (b) of the Act of August 7, 1946, 60 Stat. 885 (16 U.S.C. 17j-2(b)); E.O. 11644 (37 FR 2877), as amended; 245 DM-1 (42 FR 12931); National Park Service Order No. 77 (38 FR 7478); and Regional Director, North Atlantic Region, Order No. 2 (42 FR 27387).

DRAFTING INFORMATION

The following persons participated in the writing of the regulation: Richard W. Marks, Fire Island National Seashore; Carl Christensen, Division of Ranger Activities and Protection; and Sharon Allender, Office of the Solicitor.

NOTE.—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

RICHARD W. MARKS,
Superintendent,
Fire Island National Seashore.

In consideration of the foregoing, it is proposed that paragraph (a) of § 7.20 of Title 36, Code of Federal Regulations, be revised to read as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*— (1) *Definitions.* The following definitions shall apply to all provisions of this paragraph.

(i) "Act" means the Act of September 11, 1964 (Pub. L. 88-587, 78 Stat. 928, 16 U.S.C. 459e et seq.), or as the same may be amended or supplemented, which authorizes the establishment of the Seashore.

(ii) "Seashore lands" means any lands or interests in lands owned or hereafter acquired by the United States within the authorized boundaries of the Seashore. It shall also mean any lands or interests in lands owned by the United States which are on the island, outside the authorized boundaries of the Seashore, and managed for recreational purposes by the National Park Service pursuant to an agreement with another Federal agency.

(iii) "Island" means the entirety of Fire Island, New York, without regard for property ownership, jurisdiction, or the boundaries of Fire Island National Seashore.

(iv) "Mainland" means the land of Long Island, New York.

(v) "Motor vehicle" means a device which is self-propelled by internal combustion or electrical energy and in, upon, or by which any person or material is or may be transported on land.

(vi) "Dune crossing" means an access route over a primary dune which has been designated and appropriately posted.

(vii) "Public utility vehicle" means any motor vehicle operated and owned or leased by a public utility or public service company franchised or licensed to supply, on the island, electricity, water, or telephone service, while that vehicle is in use for supplying such service.

(viii) "Residents" means those persons who live continuously for at least nine months in permanent dwellings located on the island and demonstrate their intent to make such dwellings their fixed and permanent homes.

(ix) "Service vehicle" means any motor vehicle, other than a public utility vehicle, whose use on the island is essential to the continued use of residences on the island. This may include vehicles used for the following purposes, while in use for such purposes:

(A) Transporting heating fuel and bottled gas.

(B) Construction, repair, or maintenance of structures and plumbing or heating facilities.

(C) Sanitation or refuse removal.

(D) Community services.

(E) Transporting materials to individuals and to retail business establishments on the island.

(x) "Official vehicle" means any motor vehicle operated and owned or leased by a Federal, state, or local governmental agency, except for law enforcement vehicles and fire fighting apparatus, while that vehicle is being used to transact the official business of that agency.

(2) *Routes for motor vehicle travel.* No motor vehicle may be operated on Seashore lands except on routes designated for that purpose and subject to the limitation of this paragraph (a). The following are the routes for off-road motor vehicle travel on Seashore lands, which shall be designated on a map available at the office of the Superintendent or by the posting of signs where appropriate:

(i) The Atlantic Ocean beach on the south shore of Fire Island, within the Seashore boundaries, from the mean high water mark to the water's edge.

(ii) A 0.5 mile route in the interior of the island, crossing the "Lighthouse Tract" from the easterly end of the paved road in the Robert Moses State Park to the eastern boundary of the Tract.

(iii) A 300 foot interior route from the eastern boundary of the detached eastern section of Robert Moses State Park to the western boundary of the community of Lighthouse Shores, across the land commonly referred to as the "Greenburg Tract."

(iv) An interior route which extends the length of the island, commonly referred to as the "Burma Road", for limited travel by public utility vehicles.

(v) Posted dune crossings from the beach to the "Burma Road" or to pathways within the island communities.

(3) *Alternate means of transportation.* In providing for access to the island, the Superintendent shall require maximum possible reliance on those means of transportation which are other than private motor vehicles and which have the minimum feasible impact on Seashore lands. As used in this paragraph (a), the term "alternative transportation" shall mean a waterborne conveyance that is licensed for hire and that provides a reasonable means of transportation between the mainland and the island. Such alternative transportation shall be deemed to exist for each particular factual situation in which:

(i) The schedule of the transportation service in question permits departure from an island terminal before 9 a.m. and departure from a mainland terminal after 5 p.m. on the same day; and

(ii) When the interval between the earliest and latest service provided by the transportation service in question on any day exceeds 8 hours, such service provides at least one round trip between the mainland and the island during that interval; and

(iii) The island transportation terminal in question is no more than one mile by planked or surfaced pathway from the point of origin or destination on the island or from a point on the island to which access by motor vehicle is permitted; and

(iv) The mode of transportation in question is adequate to carry the person or object to be transported.

(4) *Permit required.* No motor vehicle, other than a piece of firefighting apparatus or a motor vehicle operated and owned or leased by a duly constituted law enforcement agency having jurisdiction within the Seashore, shall be operated on Seashore lands without a valid permit issued by the Superintendent.

(5) *Permit eligibility.* Any person, firm, partnership, corporation, organization, or agency falling within the categories listed below may apply to the Superintendent for a permit, using a form to be supplied for that purpose. The following will be eligible to submit permit applications:

(i) Persons who are year-round residents.

(ii) Persons who are less than year-round residents and who can demonstrate that access by motor vehicle is essential to their occupancy because of an ambulatory or other severe handicap, a serious health consideration, or lack of alternative transportation.

(iii) Those persons, firms, partnerships, corporations, organizations, or agencies which provide services essential to the occupancy of residences on the island.

(iv) Those persons who require access by motor vehicle to Seashore lands for fishing or hunting, provided such access is compatible with conservation and preservation of Seashore resources.

(v) Those owners of estates in real property located on the island who require access to that property on days when there is no alternative transportation.

(6) *Standards for issuance of permits.* Permits will not be issued for the convenience of travel on Seashore lands. The Superintendent shall approve an application for a motor vehicle permit with appropriate limitations and restrictions or deny the application, in accordance with the provisions of this paragraph (a). Permits will be issued only for those motor vehicles whose travel on Seashore lands is deemed by the Superintendent to be essential to the management or recreational use of island resources, or to the occupancy of residences or the ownership of real property on the island. In making this determination, the Superintendent shall consider the purposes of the Act in providing for the conservation and preservation of the natural resources of the Seashore and for the enjoyment of these resources by the public; the scope and purpose of such travel; the availability of alternative transportation on the day or days when the applicant for a permit requests to travel on Seashore lands; the existence of other permits issued to the applicant; and, in the case of public utility, service, and official vehicles, the feasibility of basing such vehicles and related equipment on the island rather than the mainland.

(7) *Vehicle restrictions.* Any motor vehicle whose owner or operator has been found to qualify for a permit, according to the standards set forth in subparagraphs (5) and (6) of this paragraph, must, prior to the issuance of such permit:

(i) Have a valid permit or other authorization for operation on the island issued by the local government agency or agencies within whose jurisdiction the travel is to be performed, if such permission or authorization is required by such agency or agencies.

(ii) Be capable of four-wheel drive operation.

(iii) Have a rated capacity not in excess of one ton, unless the use of a larger vehicle will result in a reduction of overall motor vehicle travel.

(iv) Meet the requirements of §§ 4.12, 4.19(e), 4.20, and 4.21 of this chapter and conform to all applicable state laws regarding licensing, registration, inspection, insurance, and required equipment.

(8) *Limitations on numbers of permits.* The Superintendent is authorized to limit the total number of permits for motor vehicle travel on Seashore lands, and/or to limit the number of permits issued for each category of eligible applicants listed in subparagraph (5) of this paragraph, as necessary for resource protection, public safety, or visitor enjoyment. In establishing such limits, the Superintendent shall utilize such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, multiplicity of existing permits held by individuals, esthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise, management capabilities, and any similar limitations imposed by local governmental agencies of competent jurisdiction. Before making a final decision to adopt any limitation authorized by this subparagraph, notice of such intention shall be made through posting or news releases, and publication in the "Federal Register," and the public shall be provided a period of 30 days in which to comment upon the proposed limitation.

(9) *Permit limitations.* (i) No permit issued under these regulations shall be valid for more than one year. The Superintendent may issue permits for lesser periods, as appropriate for the travel required or the time of year at which a permit is issued.

(ii) Permits for public utility, service, and official vehicles shall specify the number of vehicles and identify each vehicle whose use is authorized thereby. Permits for other motor vehicles will apply only to the single, specific vehicle for which issued.

(iii) Permits are not transferable to another motor vehicle or to a new owner or lessee of the vehicle for which issued.

(iv) Permits may specify a single or multiple uses or purposes for which travel on Seashore lands is permitted. The limitations and restrictions on authorized travel set forth in subparagraph (10) of this paragraph shall apply, however, depending upon the specific use or purpose for which a permitted motor vehicle is being utilized at the time of travel.

(v) Permits may contain such other limitations or conditions as the Superintendent deems necessary for resource protection, public safety, or vistor enjoyment. Limitations may include, but will not be limited to, restrictions on locations where vehicle travel is authorized and times, dates, or frequency of travel, in accordance with the provisions of this paragraph (a).

(10) *Authorized travel.* (i) Except as specifically provided elsewhere in this subparagraph (10), travel across Seashore lands by motor vehicles with valid permits will be authorized only on those days in which the island location, which is the point of origin or destination of travel or is another point to which access by motor vehicle is permitted, is not served by alternative transportation. When alternative transportation services satisfy the definition of alternative transportation in subparagraph (3) of this paragraph, the schedule of transportation services available for the island community or communities named in the permit application shall determine the days when travel is not authorized for the motor vehicle to which that permit applies.

(ii) On any day on which travel by motor vehicle is authorized due to a lack of alternative transportation, travel shall be limited to not more than one round trip per vehicle per day between the mainland and the island, and may be performed at any time except the following periods:

(A) From 9:00 a.m. to 6:00 p.m. on all Saturdays, Sundays, and national holi-

days from May 1 through June 13 and from September 15 through October 31.

(B) From 9:00 a.m. to 6:00 p.m. on all days from June 14 through September 14.

(iii) The Superintendent may, for situations where the restrictions in subdivision (ii) of this subparagraph would create a severe hardship, authorize additional trips or travel at other hours.

(iv) In the case of public utility, service, and official vehicles for which permits have been issued, the Superintendent may authorize travel on Seashore lands at any time that he determines travel by such vehicle is essential, notwithstanding the above limitations and restrictions on authorized travel.

(v) Authorization for travel pursuant to subdivision (iii) and (iv) of this subparagraph shall be made only by the terms and conditions of the permit, for recurring travel, or by written permission from the superintendent, for single occasions.

(vi) In an emergency involving the protection of life or a threatened substantial loss of property, travel by a motor vehicle which is under permit is authorized at any time.

(vii) The Superintendent may suspend any travel by motor vehicle otherwise permitted under this paragraph (a) when in his judgment such travel is inconsistent with the purpose of the Act or when such factors as weather, tides, or other physical conditions render travel hazardous or would endanger Seashore resources. Such suspension of travel shall be announced by the posting of appropriate signs or verbal order of the Superintendent.

(viii) In accordance with the procedures set forth in § 2.6(b) of this chapter, the Superintendent may establish a limit on the number of motor vehicles permitted on any portion of, or the entirety of, the Seashore lands at any one time when such limits are required in the interests of public safety, protection of the resources of the area, or coordination with other visitor uses.

(11) *Rules of travel.* (i) When two motor vehicles approach from opposite directions in the same track on Seashore lands, both operators shall reduce speed and the operator with the water to his left shall yield the right of way by turning out of the track of the right.

(ii) No motor vehicle shall be operated on any portion of a dune on Seashore lands except at dune crossings.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed in excess of 20 miles per hour.

(iv) The speed of any motor vehicle being operated on Seashore lands shall be reduced to five miles per hour upon approaching or passing within 100 feet of any person not in a motor vehicle, or when passing through or over any dune crossings.

(12) *Violations.* (i) Failure to comply with the conditions of any permit issued pursuant to this paragraph will constitute a violation of these regulations.

(ii) In addition to any penalty required by § 1.3(a) of this chapter for a violation of regulations in this paragraph, the Superintendent may also suspend or revoke the permit of a motor vehicle involved in such a violation.

(13) *Severability.* The invalidation of any provision of this paragraph (a) by any court of competent jurisdiction shall not invalidate any other provision hereof.

[FR Doc.77-19865 Filed 7-11-77;8:45 am]

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LEASING

Environmental Studies

AGENCY: Bureau of Land Management.

ACTION: Proposed rule.

SUMMARY: These proposed regulations will govern the timing and the type of environmental studies to be undertaken by the BLM as needed for the assessment and management of environmental impacts on the marine and coastal environmental impacts on the marine and coastal environments of the Outer Continental Shelf resulting from oil and gas leasing.

DATE: Comments are due on or before August 11, 1977.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert Bruce, Division of Legislation and Regulatory Management, Bureau of Land Management, Washington, D.C. 20240 (202-343-8735) or Frank Monastero, Division of Minerals Environmental Assessment (730), Bureau of Land Management, Washington, D.C. 20240 (202-343-7744).

SUPPLEMENTARY INFORMATION: Under the authority of section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) these regulations are being issued to establish guidelines and procedures for the use of environmental studies in the leasing of oil and gas on the Outer Continental Shelf. These regulations formalize a program that the Bureau of Land Management has conducted for a number of years. Since 1972 the BLM has engaged in environmental studies planning with the first contract data for the OCS program being formalized in 1973.

Section 3301.1(a) authorizes the utilization of NOAA for conduct of studies to the extent practicable. This is already being accomplished under the existing program. The NOAA utilization is further regulated by provisions of the Economy Act, 31 U.S.C. 686, and OMB Circular A-76.

The principal author of this proposed rulemaking is Chris Oynes, Division of Minerals Resources, Bureau of Land Management, assisted by members of the Bureau's OCS Task Force.

It is hereby determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment. No detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act is required.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Order 11821 and OMB Circular A-107.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

It is proposed to amend Chapter II of Title 43 of the Code of Federal Regulations by adding a new § 3301.7 to subpart 3301 as follows:

§ 3301.7 Environmental studies.

(a) The Director shall conduct a study of any area or region included in any lease sale in order to establish information needed for assessment and management of impacts on the human, marine and coastal environments of the Outer Continental Shelf and the nearshore area which may be affected by oil and gas development in such area or region. Such study shall be planned and carried out in cooperation with the affected coastal States and interested parties. To the maximum extent practicable, the Director shall enter into appropriate agreements with the National Oceanic and Atmospheric Administration for the performance of the studies required or authorized by this regulation. Cooperative agreements with affected States may be entered into for the purpose of carrying out the studies authorized in this section.

(b) Any study of an area or region shall be designed to (1) develop information on the status of the environment, (2) to predict impacts, to the extent practicable, on the marine biota resulting from chronic low level pollution or large spills associated with Outer Continental Shelf production and resulting from the introduction of drill cuttings and drilling muds in the area, and from the transportation systems serving the offshore production area, and (3) to predict the impacts, to the extent practicable, of offshore development on the affected Outer Continental Shelf and nearshore areas.

(c) Data collection or other study program activity in connection with the study required by paragraph (a) of this section shall be commenced no later than 6 months after the effective date of this regulation with respect to all sales held either before or to be held within one year of its effective date. For all subsequent sales, the data collection or other study program activity shall be commenced no later than 6 months prior to

a lease sale. The Director may utilize information collected in any study prior to the effective date of this section in conducting any such study.

(d) The Director shall, after being notified of the submission of any development and production plan in an area or region under study, complete the study provided for in this section prior to the date for final approval of any development and production plan for any lease area. Failure to complete any such study in a lease area shall not alone be a basis for precluding the approval of a development and production plan by the Secretary, *Provided, however,* That studies which are designed to be completed before development and production activities and which would affect the Secretary's decision are completed.

(e) After the leasing and developing of any area or region, the Director shall conduct such additional studies to establish additional information as he deems necessary and shall continue to monitor the human, marine, and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with the results of previously conducted studies. This will be done to identify any significant changes in the quality and productivity of such environments, to establish trends in the areas studied, and to design experiments identifying the causes of such changes.

Dated: July 7, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc.77-19902 Filed 7-11-77;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 545]

[Docket No. 71-75]

RULES GOVERNING THE FILING OF AGREEMENTS BETWEEN COMMON CARRIERS BY WATER AND/OR "OTHER PERSONS" SUBJECT TO THE SHIPPING ACT, 1916

Withdrawal of Proposed Rule

AGENCY: Federal Maritime Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: This notice withdraws a proposed rule providing guidelines relating to the filing of certain types of agreements for scrutiny pursuant to section 15 of the Shipping Act, 1916. The Commission has determined that various issues raised in the course of the proceeding require further analysis requiring the withdrawal of the proposed rule at this time. The effect of this action is to permit the currently effective guidelines of 46 CFR 530.5 to remain in effect.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573 (202-523-5725).

SUPPLEMENTARY INFORMATION: This proceeding was instituted by a notice of proposed rulemaking published August 13, 1971 (36 FR 15128) with the intention of establishing rules governing the filing of agreements covering the lease, license, assignment or use of marine terminal property or facilities or other agreements of a similar nature between common carriers by water and/or "other persons" subject to the Shipping Act, 1916. Upon the request of various interested parties and good cause appearing, the proceeding was postponed until further notice on October 14, 1971 (36 FR 19982).

A number of parties had filed comments in response to our notice of proposed rulemaking. Many of these comments reflected concern and confusion over the rules proposed in this proceeding as they relate to agreements involving stevedores and stevedoring contracts.

Considering the time lapse since the institution of this proceeding and the technological changes which have occurred in the operation of terminals, the Commission has decided to withdraw the proposed rule, discontinue the present proceeding, and to review the entire matter of terminal agreements in order to determine what further action should be taken.

Therefore, *It is ordered,* That this proceeding be, and hereby is, discontinued.

And it is further ordered, That the rule proposed on August 13, 1971 and published on that date in the FEDERAL REGISTER (36 FR 15127) be, and hereby is withdrawn.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19924 Filed 7-11-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:00 p.m., July 25, 1977 in the 7th floor Conference Room of Covington and Burling, 888 16th Street, NW, Washington, DC 20006.

The Committee will meet to consider for the fourth time, a study of "Judicial Review of Customs Service Actions," by Professor Peter M. Gerhart, as well as tentative recommendations stemming from the study.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JULY 6, 1977.

[FR Doc.77-19875 Filed 7-11-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

CHOCOLATE, LITTLE CHOCOLATE AND LYNN BAYOU WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chocolate, Little Chocolate and Lynn Bayou Watershed project, Calhoun County, Texas.

The environmental assessment of this Federal action indicates that the project will not create significant adverse, local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include Drainage Main and Laterals Nos. I, I-B, I-C, I-D, I-E, I-F, I-F1, I-F1a, I-J, I-K and I-L, Chocolate Bayou Watershed.

The environmental assessment file is available for inspection during regular working hours at the following location:

USDA, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501.

Requests for the negative declaration should be sent to:

P.O. Box 648, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until July 27, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

Dated: June 30, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-19856 Filed 7-11-77;8:45 am]

SPILLMAN CREEK WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Spillman Creek Watershed project, Lincoln, Mitchell, Osborne, and Russell Counties, Kansas.

The environmental assessment of this Federal action indicates that this project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by 14 floodwater retarding dams.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 S. Broadway, Salina, Kansas 67401. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken

Dated: June 30, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-19857 Filed 7-11-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30635]

ARIZONA SERVICE INVESTIGATION

Postponement of Prehearing Conference

Prehearing conference in the above-captioned proceeding, now assigned to be held on July 13, 1977 (42 FR 30663), is postponed to August 3, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., July 5, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-19709 Filed 7-7-77;8:45 am]

[Docket No. 23123; Agreement C.A.B. 26700 R-1 through R-3; Order 77-6-134]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority June 27, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would increase first-class, economy-class and creative fares between Cairo and Tabuk, Saudi Arabia by approximately 27 percent, to reflect the increased cost of service in this market. We will approve those portions of the agreement governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the balance of the agreement which governs noncombinable fares and thus has no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26700:			
R-1	052	TC2 1st-Class Fares (Amending)	2 (within mid-east).
R-2	062	TC2 Economy-Class Fares (Amending)	2.

2. It is not found that the following resolution, incorporated in the agreement as indicated, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26700:			
R-3	072b	TC2 Creative Fares Except Europe (Amending)	2 (within M. East).

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 26700 described in finding paragraph 1 above and which have indirect application in air transportation as defined by the Act, are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 26700 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19710 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreements C.A.B. 26650, 26670R-1 through R-3; Order 77-6-142]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates and Specific Commodity Rates

Issued under delegated authority June 28, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Traffic Conference held in Vancouver in May 1977.

The agreements, proposed for effect July 1, 1977, would increase general cargo rate add-on levels used to construct through rates between South/South West Africa interior points and United States/Canada points over North and Midatlantic routes to reflect recent increases in South/South West Africa domestic rates; would amend currency surcharges applicable to Midatlantic cargo transportation commencing in Gibraltar/Ireland/Seychelles/Sierre Leone/United Kingdom to relate local currency rates more closely to recent fluctuations in the values of the currencies involved; and would revise the Midatlantic specific commodity rate structure with respect to the Nice-Bogota and Paris-Caracas markets.

We will approve those portions of the agreements which involve rates to/from United States points and thus have direct application in air transportation as defined by the Act. Jurisdiction will be disclaimed with respect to the remaining portion, which governs rates that are not combinable with rates to/from U.S. points, and thus has no application within the meaning of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26650	544a	North Atlantic General Cargo Rates (Amending)	1/2.
26670:			
R-1	022k	Special Rules for Sales of Cargo Air Transportation (Amending)	1/2 (mid-Atlantic).
R-2	554b	General Cargo Rates (Amending)	Do.

2. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26670: R-3	590	Specific Commodity Rates Board (Amending)	1/2 (mid-Atlantic).

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 26650 and 26670 set forth in finding paragraph 1 above are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 26670 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19711 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreements C.A.B. 26681-26689 R1 through R-9; Order 77-6-143]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates and Specific Commodity Rates

Issued under delegated authority June 28, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Cargo Traffic Conference held in Vancouver in May 1977.

The agreements contain revisions to the specific commodity rate and general cargo rate structures in many world markets. With respect to air transportation as defined by the Act, general cargo rate add-on levels used to construct through rates between South/South West Africa interior points and TC3 (Asia/Pacific, Including U.S. territories) would be increased to reflect recent increases in South/South West Africa domestic rates, and currency surcharges applicable to cargo transportation from Gibraltar/Ireland/Seychelles/Sierre Leone/United Kingdom to TC3 would be amended in order to relate local currency rates more closely to recent fluctuations in the values of the currencies involved.

In addition, general cargo rate add-ons and currency surcharges in various foreign markets would be amended. Insofar as these actions affect rates which are combinable with rates to/from U.S. points, they have indirect application in air transportation as defined by the Act.

We will approve the above portions of the agreements. Jurisdiction will be disclaimed with respect to the remaining portions of the agreements, which involve noncombinable specific commodity rates in foreign markets and thus have no application within the meaning of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26684:			
R-1	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.
R-2	555	JT23 and JT123 General Cargo Rates (Amending)	2/3; 1/2/3.

2. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26685: R-1	022L	JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
26686:			
R-1	022m	TC2 Special Rules for Sale of Cargo Air Transportation (Amending)	2.
R-2	552	TC2 General Cargo Rates (Amending)	2.

3. It is not found that the following resolutions affect air transportation within the meaning of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26681:			
R-1	590 (I)	Specific Commodity Rates Board (Amending)	1/2 (South Altantic).
R-2	590 (II)	do	Do.
26682:			
R-1	590 (III)	do	Do.
R-2	590 (IV)	do	Do.
26683:			
R-1	590 (VI)	do	2/3; 1/2/3.
R-2	590 (VII)	do	2/3; 1/2/3.
R-3	590 (VIII)	do	2/3; 1/2/3.
26684:			
R-3	590 (I)	do	2/3; 1/2/3.
R-4	590 (II)	do	2/3; 1/2/3.
R-5	590 (III)	do	2/3; 1/2/3.
26684:			
R-6	590 (IV)	do	2/3; 1/2/3.
R-7	590 (V)	do	2/3; 1/2/3.
26685: R-2	590 (III)	do	1/2 (South Atlantic).
26686:			
R-3	590 (VI)	do	2.
R-4	590 (VII)	do	2.
R-5	590 (VIII)	do	2.
R-6	590 (IX)	do	2.
R-7	590 (X)	do	2.
R-8	590 (XI)	do	2.
R-9	590 (XII)	do	2.
26687:			
R-1	590(I)	do	2.
R-2	590(II)	do	2.
R-3	590(III)	do	2.
R-4	590(IV)	do	2.
26688	590(V)	do	2.
26689	590	do	2.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 26684, 26685 and 26686 set forth in finding paragraphs 1 and 2 above are approved; and

2. Jurisdiction is disclaimed with respect to those portions of Agreements C.A.B. 26681, 26682, 26683, 26684, 26685, 26686, 26687, 26688 and 26689 set forth in finding paragraph 3 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19712 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreement C.A.B. 26652, R-1 through R-3; Order 77-6-144]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Bulk Unitization Charges and Specific Commodity Rates

Issued under delegated authority June 28, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted at the Composite Cargo Traffic Conference held in Vancouver in May 1977, has been assigned the above C.A.B. agreement number.

The agreement would establish bulk unitization charges for Type 8 and Type 9 Unit Load Devices (ULD's) for Bermuda-Hartford cargo transportation at the Bermuda-Boston/New York/Philadelphia levels, and reduce the charges for ULD recontouring and unloading in Venezuela by 40 and 60 percent, respectively, effectively equalizing the charges of these operations. The agreement would also extend, from July 31, 1978 to September 30, 1978, the expiration date of the specific commodity rate of Item 3991 (metals) from Santiago to Montevideo.

We will approve those portions of the agreement dealing with bulk unitization charges insofar as they affect cargo transportation to/from United States points and thus have direct application in air transportation. Jurisdiction will be disclaimed on the portion dealing with a noncombinable specific commodity rate in a foreign market.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB.	IATA No.	Title	Application
26652:			
R-1	531(I)	Charges for Bulk Unitization—TC1 (Amending)	1 (Western Hemisphere).
R-2	531(II)	do	Do.

2. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26652: R-3...	590	Specific Commodity Rates Board (Amending).....	1 (Western Hemisphere).

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 26652 set forth in finding paragraph 1 above are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 26652 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19713 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreement C.A.B. 26716 R-1 and R-2; Order 77-6-157]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 30, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement extends one specific commodity rate under an existing commodity description and adds one new rate with a new specific commodity description as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in IATA letters dated May 12 and May 20, 1977.

Agreement CAB	Specific commodity item No.	Description and rate [1]
26716:		
R-1.....	4401	Air conditioners and parts thereof, [2] 285 c/kg, [3] minimum weight 500 kgs. From New York to Dubai.
R-2.....	0030	Chocolate manufactures, 121 c/kg, minimum weight 500 kgs. Honolulu to Tokyo, 129 c/kg, minimum weight 500 kgs. Honolulu to Osaka.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] New description.
[3] Expires Mar. 31, 1978.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval is subject to the conditions ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 26716 is approved: *Provided,* That (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19714 Filed 7-11-77;8:45 am]

[Order 77-7-4; Docket 27918]

NORTH ATLANTIC FARES INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of July, 1977.

This order is a procedural order concerned with the North Atlantic Fares Investigation instituted in Order 75-6-42. The purpose of this order is to established the next procedural step in this investigation and to dispose of a motion filed by Pan American for the issuance of an advance notice of proposed rulemaking in the proceeding. Another procedural order (Order 77-7-5) is being issued simultaneously to launch the Part Charter rulemaking phase of this investigation instituted in Order 76-12-18.

By Order 76-10-12, the Board set forth the procedures for the North Atlantic Fares Investigation and requested the production of additional data to supplement the recurrent reports filed pursuant to its earlier orders. The continuing analysis of the Bureau of Economics of the data submitted in response to these orders will result in a series of studies regarding aspects of the North Atlantic fare structure of specific importance in reaching decisions. Volume I of these studies depicting various cost input data has already been circulated to the carriers and other interested persons for comment and we have also placed a copy of this volume in the Board's Public Reference Room (Room 710, Universal Building) for inspection by the general public. Other parts of the Bureau's fare structure analysis will be published as they are completed. Although these studies do not reflect the position of the Board, they should be helpful, along with submissions of the carriers and other interested persons, in developing a reasonable record for decision in this proceeding.

As this investigation marks the first evidentiary analysis of the North Atlantic fare structure by the Board, the question is raised at this time as to whether the data submissions and other information relative to this structure are sufficient to warrant the development of definitive policies. In this connection, Pan American has filed a motion requesting the Board to issue an advance notice of proposed rulemaking in which the views of interested persons would be solicited on issues that Pan American considers to be threshold issues in this proceeding. While the institution of advance proposed rulemaking procedures does not appeal to us at this time, the Board does agree with Pan American that some further preliminary comment is desirable in the interest of building an adequate basis for decision. The struc-

ture of highly differentiated air fares that exists in North Atlantic markets has received attention in numerous rate orders of the Board concerned with IATA fare agreements. However, the aspects that distinguish this structure from other fare structures, along with load factor, elasticity, and other factors affecting North Atlantic fares, have never been explored in the broader context of an investigation, thus suggesting that additional input on these and other key issues should be received before any firm policy decisions are made, even tentatively. If not in the letter, therefore, in the spirit, we will adopt Pan American's suggestion to receive preliminary views and comments on matters which lie at the core of the economic issues involved in this case.

To implement this determination, the U.S.-flag carrier participants in this investigation are requested by July 27, 1977, to file comments addressed to the specific questions regarding North Atlantic fares set forth in the Appendix. The questions contained in this Appendix incorporate many of the issues contained in Pan American's pleading as well as other issues developed by the staff. This list of questions is intentionally general to give the carriers maximum latitude to debate all pricing concepts and theories regarding North Atlantic fares and to make suggestions for improvements in the existing fare structure, either generally or specifically. Foreign air carriers providing North Atlantic service as well as other persons should also be interested in these questions, and are urged to file comments. After the Board has evaluated these preliminary views and the recurrent data being filed in this docket, we intend to issue a notice of proposed rulemaking in which various policies for North Atlantic fares will be proposed.

Although we are in general agreement with Pan American's request for preliminary comments, we are not persuaded to grant its request that this investigation consider the issue of joint-fare divisions. As noted in Order 76-10-12, not only would the issue of divisions require voluminous additional data submissions but it would also further delay evaluation of the cost structure which should receive the highest priority. There is nothing in Pan American's pleading to demonstrate that the benefits to be gained from the investigation of divisions would outweigh the complexity and delay that would result from the consideration of this issue at this time. Accordingly, this aspect of Pan American's motion will be denied.

Three other matters warrant discussion. The first two matters concern data submissions. The North Atlantic Fares Investigation as well as the Part Charter Phase of this investigation are being processed by rulemaking. In order to avoid any possible confusion between these two proceedings, documents relating to the overall North Atlantic rulemaking and to the Part Charter Phase shall be physically separated by the Dockets Section and incorporated into separate docket files. The Part Charter Phase shall be designated Docket 27918-1 (Part Charter) and all comments, data or other documents pertaining to this phase shall be so labeled. Documents pertaining to the overall rulemaking proceeding shall be labeled "North Atlantic Fares Investigation" and filed in Docket 27918.

Although these rulemakings will proceed under separate docket files, the commonality of various issues and data to both dockets cannot be overlooked. In order that evidence requests are not needlessly duplicative but sufficient for the development of a record in each proceeding, a consolidated submission of evidence pertaining to both proceedings shall be required. The composite information request circulated today specifies the format in which these data shall be submitted. The responses to this request shall be consolidated into one submission by the carrier and filed in the overall rulemaking Docket 27918. Also, we intend in each proceeding to avail ourselves of evidence presented in the other proceedings so that evidence bearing on issues common to both proceedings will be available for consideration and decision in either docket.

The international service-segment data reported to the Board by the carriers contain traffic and other statistics by transatlantic city-paid market and we intend to utilize these data in connection with our analysis of North Atlantic costs. These data are normally confidential for a specified period after their receipt unless required for use in a proceeding or for other reasons not pertinent here are made available (14 CFR Part 241 (section 19-6(a)). Accordingly, in the interests of the full and complete resolution of the factual and policy issues in this case the Board finds that international service-segment data submitted by the carriers to the Board for transatlantic air markets are material and relevant to the issues in this proceeding. In order to avoid the release of confidential information about a carrier's operations in a particular market, the 1976 service-segment data will only be made available to the Bureau of Economics, for the preparation of exhibits that consolidate the data for all markets.

It has also come to our attention that various items of data reported pursuant to our earlier orders in this proceeding do not specifically require a breakout of component items required by the Board to analyze the cost structure. The first item is commission override expense. This expense is an additional commission expense of the carrier particularly on group-fare tickets. In order that the impact of this expense may reasonably be analyzed, a breakout between normal commission expense and commission override expense will be required by fare category. Schedule C of the consolidated evidence request, referenced above, specifies the format in which these data shall be submitted. The second item is Fifth Freedom traffic. This traffic, because it consists of passengers traveling wholly between European points, is outside the scope of this investigation and should not be considered. Its yield per mile is also higher than that for most other traffic so that its inclusion in the fare base creates the risk that North Atlantic fares could be cross-subsidized by traffic traveling in a different entity. In order that this traffic can be separately identified, a breakout of Fifth Freedom traffic will be required on the appropriate fare usage report. Although these additional data on commission override expense and Fifth Freedom traffic, along with other basic Form 41 data, will be reported quarterly, only one report will be required for the 12-month retrospective period ended September 30, 1976. This report will be due July 27, 1977.

Finally, The National Air Carrier Association (NACA), The Flying Tiger Line Inc., several passenger indirect air carriers and various civic groups have shown an interest in this proceeding by filing petitions to intervene as parties. As requests for intervention are not required to attain party status in this proceeding, these petitions are unnecessary, and therefore they shall be dismissed. The persons filing these petitions will have full opportunity to participate in this proceeding by filing comments, views and data on the proposed rule, as well as by answering the questions mentioned above. In addition, the names of these persons have been placed on the mailing list in the Board's Docket Section to receive copies of all further orders, notices, or rules issued in this proceeding.

Accordingly, *it is ordered*, That:

1. The petition of Pan American World Airways, Inc. for the issuance of an advance notice of proposed rulemaking, to the extent that it is not granted herein, be and it hereby is denied;

2. Ordering paragraph 4 of Order 75-6-42 is hereby amended by revising subparagraph (2), thereof, such paragraph, as amended to read as follows:

4a. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc. shall supply in this Docket the following information:

(1) A quarterly report showing the profit and loss, and investment data for scheduled North Atlantic service outlined in Appendix B of this order; and

(2) A quarterly report showing, by month, the fare usage data (i.e., passengers enplaned, revenue passenger-miles, and passenger revenue for each fare category in the North Atlantic structure) specified on page four of this order. Such data should include a separate breakout for Fifth Freedom traffic.

These data shall be submitted 20 days after the date for filing Form 41 reports covering the same time period.

3. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., shall address the questions specified in the Appendix to this order and supply the information contained in Schedule C of the consolidated evidence published this date and the Fifth Freedom traffic data specified above, .20 copies of such views and 6 copies of such data to be submitted to the Board's Docket Section as follows: (1) The responses to the questions in the

Appendix to this order shall be provided by July 27, 1977; (2) the data requested in Schedule C of the consolidated evidence request and the Fifth Freedom traffic data in the carriers fare usage report shall be accumulated on a quarterly basis and submitted simultaneously with the other Form 41 submissions reported pursuant to Order 75-6-42, *Provided, however,* That a separate report of these data shall be completed for the 12-months period ended June 30, 1976, and submitted by July 27, 1977, along with the information in (1) above;

4. Any air carrier in addition to the air carriers listed above and any governmental body, civic group or trade association that desires to submit comments or data with respect to the matters contained in the Appendix may do so by filing 20 copies of such views or data with the Board's Docket Section, Room 714, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 by the same date and in the same manner prescribed above for the U.S.-flag air carriers. Individual members of the general public who desire to file comments may do so by filing 1 copy of such comments with the Docket Section;

5. The petitions for leave to intervene in this docket filed by the Department of Transportation; Department of Justice, The Flying Tiger Line Inc.; the Airline Charter Tour Operators Association; Spantax, S.A.; The Davis Agency, Inc.; The City of Philadelphia and the Greater Philadelphia Chamber of Commerce; the Washington Parties, consisting of King County, the City of Seattle and the Seattle Chamber of Commerce, the City of Tacoma, and the Tacoma Chamber of Commerce, the State of Washington Utilities and Transportation Commission, the Port of Seattle Commission, and the Puget Sound Traffic Association; and the Norfolk Port and Industrial Authority be and they hereby are dismissed; and

This order with the Appendix shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

National, Pan American, and TWA are requested to address the following questions with respect to North Atlantic fares and to submit any other views and comments they consider pertinent.

1. Should standards or policies be developed to determine the reasonable level of expenses, revenues, and profit required by the carriers serving the North Atlantic market under honest, economical, and efficient managament to provide adequate and efficient service?

a. What methods should be used to make allocations between:

(i) Transport and nontransport operations?

(ii) Transportation operations within the North Atlantic and transportation operations outside the North Atlantic?

(iii) Scheduled and nonscheduled operations?

(iv) Scheduled all-cargo and scheduled combination, or mixed service?

(v) Passenger and other traffic on combination aircraft?

(vi) Economy class and other classes of passenger traffic?

2. What are the carriers and the costs to be considered in determining the revenue need for scheduled North Atlantic passenger services?

3. What is the reasonable volume of service required for the transportation of passengers in scheduled service by all carriers serving the North Atlantic market?

4. What is the reasonable rate of return on investment for scheduled North Atlantic passenger services?

5. What is the proper investment base for North Atlantic service?

6. Should fares for basic passenger services reflect a reasonable relationship between capacity and demand?

a. Can and should load-factor standards be adopted? If so, what should the standard numerical load factor be?

b. Is a high full-fare load-factor service (i.e., load factors in the range of 60 to 65 percent) compatible with the demand and seasonal characteristics of the North Atlantic markets?

7. What factors should be considered in determining whether load-factor standards should be established—i.e., should load factor standards:

a. Be related to or reflect seating capacity?

b. Be related to or reflect total revenue per flight?

c. Be related to or reflect market density?

d. Be related to or reflect the scheduling characteristics of the market, e.g., turnaround versus multisegment service; multiple time zone changes; long flight times?

e. Be related to or reflect the impact on capacity of policies of foreign governments?

f. Be related to or reflect the impact on capacity and scheduling of increased fuel prices?

g. Be related to or reflect peak and off-peak demand periods and/or directions?

h. Vary by class of service and/or by fare type?

i. Be related to or reflect the presence or absence of some form of capacity control?

j. Reflect discount traffic?

8. Should aircraft seating-configuration standards be adopted? If so, what are the appropriate standards for seats abreast and seat pitch?

9. What effect would load-factor standards have on scheduling? Service levels? New equipment acquisitions?

10. In the event any policy concerning fare formulae is adopted, should it be directed toward a maximum or minimum fare or a range between a maximum and minimum fare?

11. Should a rate formula consist of separate elements such as:

a. A terminal charge?

b. Line-haul charge?

c. Other?

12. If a separate terminal charge is developed should it be:

a. Uniform?

b. Variable? If so, on what basis or bases?

c. Other?

13. If line-haul charges are developed should they be constant or tapered and should they be based on:

a. Mileages?

b. Block hours?

c. Airborne hours?

d. Others?

14. Should a policy of free enroute stopovers be adopted? If so, should stopovers be limited in any way? On what basis should stopover charges be assessed?

15. What are the returns to scale for North Atlantic scheduled passenger service (i.e., what is the impact on costs of volume)? Are there economies of scale? Are there diseconomies of scale? Are costs constant?

a. In the event that there are economies of scale, should below fully allocated cost pricing be allowed?

b. In the event there are diseconomies of scale should certain fares bear more than the fully allocated costs of the service?

c. In the event that costs are constant, should all fares cover the fully allocated costs of the service?

16. Can and should capacity controls be established for fares offered at below the fully allocated costs of the service?

17. What is the elasticity of demand in these markets? How does elasticity vary by type of traffic; by time of week, month, or year; or for fare decreases vs. fare increases?

18. What is the appropriate pricing structure for fares offered at levels below the fully allocated costs of the service? Specifically,

a. What is the appropriate regulatory approach to North Atlantic discount fares?

b. What is the appropriate standard of reasonableness for evaluating the lawfulness of discount fares? Should the standard of reasonableness for discount fares vary by fare category? Direction? Market? Time of Year? Should the Board require economic justification for discount fares? If so, what type of justification should be required?

c. Should discount fares reflect the policy considerations of foreign governments?

d. Are capacity levels affected by discount fares?

e. Do certain types of discount fares have a greater effect on capacity levels than other types of discount fares?

f. Should normal fares be caculated as if discount fares are not part of the fare structure, i.e., without the effects of the discounts?

19. Can and should fare policies be established designed to shift traffic from peak to off-peak periods? If so, what type or magnitude of price differential would be required to increase off-peak demand?

[FR Doc.77-19715 Filed 7-11-77;8:45 am]

[Order 77-7-5; Docket 27918-1]

NORTH ATLANTIC FARES INVESTIGATION—PART CHARTER PHASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1977.

This order delineates the scope of the Part Charter phase of the North Atlantic Fares Investigation instituted in Order 76-12-18.

By Order 76-12-18, dated December 3, 1976, the Board instituted a separate rulemaking phase of the North Atlantic Fares Investigation to explore the general issues relating to the "part-charter" concept and to other types of low-fare fill-up programs that have been advocated in recent years. As the Board presently has before it no specific part charter or fill-up proposals other than the tariff under investigation in Docket 29773,[1] it is clear that some further input from the carriers and the public will be necessary before any reasonable evaluation of these issues can be made. Accordingly, we are herein requesting the U.S. North Atlantic flag carriers, competing carriers, and other interested per-

[1] Pan American and TWA charter transfer tariff proposals.

sons, to submit detailed part charter and/or fill-up proposals for our consideration. These proposals need not be limited to fares involving transfer of charter passengers like those under investigation in Docket 29773, and the carriers are free to propose any type of discount fare they believe would perform a fill-up function in international scheduled service, including those existing categories of fares justified on the basis that they would tend to fill residual seats.

Although the term "part charter" has been used in a number of contexts in recent years, it lacks any universally recognized definition. Rather that arbitrarily limit the types of fare proposals that will be considered "part charter" for purposes of this investigation, we have decided to give interested persons complete freedom to submit their concept of such low-fare proposals that they would like the Board to evaluate. Any restrictions or limitations on the utilization of these proposals should also be set forth including, in particular, provisions designed to control the scheduled aircraft capacity provided for the carriage of traffic moving on these low fares. Question 3 in the Appendix should be helpful in this regard. The proposals should be accompanied by detailed economic justification of the specific services to be offered including all pertinent conditions of carriage.

In order to establish a solid information base for evaluating these proposals, we will require all U.S. flag carriers operating scheduled service in the North Atlantic to provide data which will be helpful to the Board in the development of policies for part charter/fill-up programs. The consolidated evidence request bring published in both the North Atlantic and Part Charter rulemakings specifies the data to be supplied by the carriers and the format in which these data are to be submitted.[2] As noted in Order 77-7-4, issued contemporaneously, each carrier to which these reporting requirements apply will be submitting its response as a consolidated submission in Docket 27918, but the information contained in these responses will be used in this docket as well as in Docket 27918 for consideration and decision of issues common to both proceedings. Since the information requested is with certain exceptions similar to that required by the administrative law judge in *North Atlantic Charter Transfer Rules*, Docket 29773, the burden on carriers that are also participating in that proceeding should be minimal. Other interested persons, particularly foreign air carriers and air carriers whose authority would not permit the use of a part charter/fill-up option are encouraged to participate in this proceeding and to file such information and views as might be helpful to the Board in its consideration of part charters.

[2] The Prehearing Conference Submissions of the parties to Docket 29773 have been helpful to the Board in developing these requests.

Accordingly, pursuant to the Federal Aviation Act of 1958; as amended, and particularly sections 204(a) and 1002 thereof,

It is ordered, That: 1. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., shall address the questions specified in the Appendix to this order and supply in Docket 27918 the information requested in Paragraphs A and B and Schedules A and B of the consolidated evidence request published this date, 20 copies of such views and 6 copies of such data to be submitted to the Board's Docket Section by July 27, 1977;

2. Any air carrier in addition to the air carriers listed above and any governmental body, civic group or trade association which desires to file comments or data on the matters contained in the Appendix may do so by filing 20 copies of such views or data with the Board's Docket Section, Room 714, 1825 Connecticut Avenue NW., Washington, D.C., by the same date and in the same manner prescribed above for the U.S.-flag air carriers. Individual members of the general public who desire to file comments may do so by filing 1 copy of such comments with the Board's Docket Section; and

This order with the Appendix will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

1. What is the appropriate definition of "part charter" services?
2. What amendments, if any, to the Board's regulations would be required to permit part charter or fill-up operations?
3. Should the sale of part charter or fill-up fares be subject to the Board's charter regulations?
4. What conditions or limitations should be put on part charter or fill-up tariffs? For example:
   a. Should the proposed services be limited to off-peak time periods?
   b. Should it be space-available or standby services?
   c. Should it be limited to certain markets, or to a certain number of flights in each market?
   d. Should there be maximum or minimum group-size restrictions?
   e. Should it be limited to substitution for previously arranged charter flights?
   f. Should there be limitations on the amount of scheduled capacity that may be utilized by part charter or fill-up passengers? [1]
   g. Should part charter or fill-up fares be allowed only for a short period of time, such as 18 months?
5. What size of aircraft is amenable to part charter or fill-up operations?
6. Would the proposed service inconvenience normal scheduled traffic? If not, how would inconvenience be avoided?
7. Would part charter or fill-up service be cross-subsidized by normal scheduled traffic? If not, how would cross-subsidization be avoided?
8. What would be the competitive impact on supplemental carriers and other carriers that could not offer the service?
9. Should the supplemental carriers be allowed offsetting expansion of their operating authority or relaxation of charter restrictions?
10. How would part charter or fill-up fares be constructed?
11. Should part charter or fill-up passengers be given services different from those provided to normal scheduled passengers?
12. How would diversion of regularly scheduled traffic to those services be avoided?
13. Should these fares be limited to a certain type of international traffic, such as a third, fourth, fifth, or sixth freedom traffic?
14. Would the proposed services require standby charter-configured aircraft?
15. Should part charter or fill-up passengers be charged for cancellations?
16. Would the proposed fares dilute overall carrier revenues? Would such dilution be offset by decreased costs?
17. Would part-charter or fill-up service cause an increase in scheduled capacity?
18. What effect, if any, would part charter or fill-up service have on foreign policy considerations?
19. Should Board approval of this service be conditioned on reciprocity by foreign governments?
20. Should approval of a part charter or fill-up fare be conditioned on removal of other discount fares or simplification of the international fare structure?

[1] All Members concurred.

[1] We invite foreign-flag carriers that currently have in effect capacity control procedures to submit a description of those procedures and an evaluation of their effectiveness.

[FR Doc.77-19716 Filed 7-11-77;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Discontinuance of Missouri Health and Medical Organization

AGENCY: Civil Service Commission.

ACTION: Notice of discontinuance of Missouri Health and Medical Organization under the Federal Employees Health Benefits Program.

EFFECTIVE DATE: July 1, 1977.

SUMMARY: Pursuant to the authority contained in § 8902 of title 5, Chapter 89 of the United States Code and § 890.301 (k) of 5 CFR Part 890, The U.S. Civil Service Commission hereby announces that the Missouri Health and Medical Organization of Sikeston, Missouri, is discontinuing its participation in the Federal Employees Health Benefits Program effective July 1, 1977. Each Federal employee or annuitant enrolled in the Missouri Health and Medical Organization must change to another health plan offered in their area under the Federal Employees Health Benefits Program immediately. The effective date of the change will be the first day of the first pay period beginning on or after July 1, 1977. Federal employees and annuitants must submit a completed Form 2809 to their personnel offices to effect this change in health plans.

FOR FURTHER INFORMATION CONTACT:

Marie B. Henderson, Comprehensive Health Plans Office, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

NOTICE TO PAYROLL OFFICES HAVING ENROLLEES IN MISSOURI HEALTH AND MEDICAL ORGANIZATION

SUBJECT: DISCONTINUANCE OF MISSOURI HEALTH AND MEDICAL ORGANIZATION UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

The Missouri Health and Medical Organization is discontinuing its participation in the Federal Employees Health Benefits Program effective July 1, 1977. Employees who are enrolled in the Plan must immediately change to another health plan offered in their area. A SF 2809 is required for each enrollee in codes 291 or 292 showing the termination of enrollment in Missouri Health and Medical Organization and enrollment in another health plan. The effective date of the change will be the first day of the first pay period beginning on or after July 1, 1977.

THOMAS A. TINSLEY,
Director, Bureau of Retirement, Insurance, and Occupational Health.

[FR Doc.77-20015 Filed 7-11-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Thursday, August 11, 1977, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production and technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of array processors report prepared by the Hardware Subcommittee.
(4) Review of Licensing Procedures Subcommittee recommendations for the clarification and simplification of the Export Administration Regulations.
(5) Report on the work programs of the Subcommittees:
a. Technology Transfer;
b. Foreign Availability;
c. Licensing Procedures; and
d. Hardware.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with th U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: July 7, 1977.

RAUER H. MEYER,
Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-19389 Filed 7-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D. C.20230, on or before August 2, 1977.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00261. Applicant: U.S. Environmental Protection Agency, National Enforcement Investigations Center, Bldg. 53, Box 25227, Denver Federal Center, Denver, Colorado 80225. Article: Ten (10) Thermoelectric Generators. Manufacturer: Global Thermoelectric Power Systems Ltd., Canada. Intended use of article: The article is intended to be used to provide electric power for operation of scientific equipment needed to monitor air and water quality for long periods at locations where this was formerly impossible or impractical. Application received by Commissioner of Customs: June 8, 1977.

Docket number: 77-00262. Applicant: Sandia Laboratories, Kirtland A.F.B. East, Albuquerque, New Mexico 87115. Article: Gage Measuring Instrument. Manufacturer: Societe Genevoise D' instruments De Physique, Switzerland. Intended use of article: The article is a replacement instrument to be used to permit direct dimensional readout and printout of gages being calibrated in

either customary or metric mode. The primary field in which the article will be used in energy and defense related physical measurements. Application received by Commissioner of Customs: June 8, 1977.

Docket Number: 77-00263. Applicant: U.S. Department of Commerce/NOAA/NOS, National Geodetic Survey, 6001 Executive Boulevard, Rockville, Maryland 20852. Article: (4) Four each Signal Mast 27.5m, Red-Yellow, including guying equipment and accessories. Manufacturer: Geo-Center ab, Sweden. Intended use of article: The article is intended to be used with elevation reflectors and/or target lights above obstructions for a clear line-of-sight to measure geodetic distances and/or observe horizontal and vertical angles. Application received by Commissioner of Customs: June 14, 1977.

Docket Number: 77-00264. Applicant: University of Rochester 250 East River Road, Rochester, New York 14623. Article: Photochron II Image Converter Streak Camera tube with S-20 photocathode and U-V window for operation at 250nm wavelengths. Manufacturer: Instrument Technology Ltd., United Kingdom. Intended use of article: The article is intended to be used in building a fast streak camera needed for the study of the feasibility of heating targets with a pulsed high power to produce thermonuclear reactions. Application received by Commissioner of Customs: June 13, 1977.

Docket Number: 77-00265. Applicant: Oakland University, Rochester, Michigan 48063. Article: Ramanor HG-2S Double 1 meter Monochromator and accessories. Manufacturer: Jobin-Yvon Optical Systems, France. Intended use of article: The article is intended to be used for research application for identification of molecules present in systems under investigation, determination of concentrations of certain species, and structural studies of either isolated molecules or molecules in vitro. Specific research projects include:

A. Study of tightly bound cluster hydrates,
B. Study of chemical models for nitrate reductase,
C. Study of the preresonance raman intensity enhancement of vibronically active models,
D. Molecular structural studies of ring compounds,
E. Raman spectroscopic studies of evolutionarily related oligomeric enzymes,
F. Isomerism of ternary complexes of copper (II) and Nickel (II)

The article will also be used for educational purposes which will concentrate on identification of reaction products although some applications to structural studies will be considered to compliment infrared studies of inorganic and simple organic molecules and thermal analysis of polymers. Application received by Commissioner of Customs: June 13, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-19665 Filed 7-11-77;8:45 am]

MILWAUKEE CHILDREN'S HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00150. Applicant: Milwaukee Children's Hospital, 1700 West Wisconsin Avenue, Milwaukee, Wisconsin 53233. Article: Electron Microscope, Model JEM-100S and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the ultrastructural characteristics of tissues, viruses and cellular inclusions associated with childhood diseases. Experiments will be conducted involving obtaining material from a variety of childhood diseases and correlating the ultrastructural appearance of the tissue with aspects of the disease and with that seen under experimental conditions such as tissue culture and animal models. The article will also be used to instruct residents, staff and medical students in the ultrastructure of childhood diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 16, 1976).

Reasons: The foreign article provides distortion free micrographs over a magnification range of 100 to 200,000X without a pole-piece change. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that distortion free micrographs in the magnification range described above is pertinent to the applicant's purposes. HEW also advises that it knows of no domestic instrument which provided the pertinent feature at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-19664 Filed 7-11-77;8:45 am]

SANDIA LABORATORIES, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 1, 1977.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00250. Applicant: Sandia Laboratories, Kirtland A.F.B. East, Albuquerque, New Mexico 87115. Article: Ultra Fast Streak and Framing Image Converter Camera and accessories. Manufacturer: John Hadland, United Kingdom. Intended use of article: The article is intended to be used for a large variety of applications associated with the electron-beam fusion program at Sandia Laboratories. These experiments will include:

(1) Cathode Turn-on: To observe the electron emission as a function of time (nanosecond or picosecond time frames) by viewing the visible and UV radiation associated with the cathode plasma in order to optimize cathodes in terms of uniformity of electron emission and time of turn-on as a function of voltage, cathode material, cathode geometry and diode geometry.

(2) Anode Plasma: To observe the electron pinch phase on anode or target as a function of time, to observe the total amount, uniformity and crude spectrum (utilizing narrow band filters) to estimate the temperature of the anode plasma (target plasma).

(3) X-ray Physics: Utilizing a plastic scintillator on the anode or behind a pinhole, to view the x-ray radiation associated with the electron beam deposition in order to measure the size and uniformity of the

electron beam on a picosecond or nanosecond time frame.

(4) Detector: To utilize the camera as a detector behind a high resolution (VUV, UV or visible) spectrograph or x-ray crystal spectrograph plus scintillator. This would determine the spectrum as a function of space and time (framing mode) in order to determine anode or target plasma densities and temperatures.

(5) To utilize camera with picosecond laser diagnostics such as laser holography.

Application received by Commissioner of Customs: June 15, 1977.

Docket number: 77-00266. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Klystron, Varian type VRT-2124B. Manufacturer: Varian Assoicates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation. Application received by Commissioner of Customs: June 15, 1977.

Docket number: 77-00267. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Klystron Model VRT-2123B and Matching Heat Sink VAT-2002B14. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Application received by commissioner of Customs: June 15, 1977.

Docket number: 77-00268. Applicant: University of Illinois Medical Center-College of Medicine, 1853 W. Polk Street, Chicago, Ill. 60612. Article: Nuclear Magnetic Resonance Spectrometer, Model CXP-180. Manufacturer: Bruker Physik A. G., West Germany. Intended use of article: The article is intended to be used for nmr studies of living tissues, muscles, synaptosomes, red blood cells, hormones, drugs, enzymes, proteins and other biomolecules. Experiments to be conducted will include multi-nuclear high field, high rf power and high resolution nmr studies of the chemical shift tensor components, multipulse high resolution studies of solids T_1, T_2, $T_{1\rho}$ and T_{1D} nuclear relaxations studies, microscopy *in vivo*. The objectives of these investigations are the development and application of novel medical diagnostic techniques for studies of malignant tumors and for biomedical research of muscle function and disease, understanding structure function relationship of hormones, neurotransmitters, synaptosomes enzymes, drugs and membrane tissues, and development of novel nmr techniques for studies of physiological processes. The article will also be used to expose and teach bio-medical students modern techniques required in studies of molecular structure dynamics and in microscopy *in vivo* in the following courses:

BC-413 Physical Biochemistry.
MC-452 Spectroscopy in Medicinal Chemistry.
PP-415 Structure Elucidation of Natural Products.
PY-431 Molecular Biophysics.
PY-432 Nuclear Magnetic Resonance in Biophysics.
PY-433 Continuation of PY-432.

Application received by Commissioner of Customs: June 15, 1977.

Docket number: 77-00270. Applicant: University of Alabama Hospitals and Clinics Dept. of Path. Division of Surgical Path., 619 South 19th Street, Birmingham, Alabama 35233. Article: Electron Microscope, Model EM 201 and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of all endocrine gland tumors; such as all breast cancers, adrenal tumors, parathyroid gland, pituitary tumors, and thyroid tumors and tumors of the liver which are studied on a more selective basis. In addition, the article will be use for post-graduate training for physicians. Application received by Commissioner of Customs: June 15, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19666 Filed 7-11-77;8:45 am]

UNIVERSITY OF UTAH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00057. Applicant: University of Utah, College of Pharmacy, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model MAT 731 and accessories. Manufacturer: Varian MAT West Germany. Intended use of article: The article is intended to be used in research dealing with the structure elucidation of nucleotides and nucleosides of natural origin, development of mass spectrometric techniques for analysis of nucleotides and studies of the applications of field desorption mass spectrometry to involatile molecules of natural origin. The principal method used will be photographic recording of complete high resolution mass spectra from microgram-level samples which have been introduced into the mass spectrometer by gas chromatograph or by thermal or field desorption methods. Of particular interest are naturally modified nucleosides from transfer ribonucleic acid which are of high molecular weight (>500).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 21, 1976).

Reasons: The foreign article provides a resolution of 80,000 50 percent line width (approximately 40,000 10% valley) with photoplate detection and a field desorption ion source. The Department of Health, Education, and Welfare (HEW) in its memorandum dated March 21, 1977 and the National Bureau of Standards (NBS) in its memorandum dated May 27, 1977 advise that the combined features of the article described above are pertinent to the applicant's intended use. HEW and NBS further advise that they know of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19667 Filed 7-11-77;8:45 am]

YALE UNIVERSITY SCHOOL OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00167. Applicant: Yale University School of Medicine, Section of Cell Biology, 333 Cedar St., New Haven, Conn. 06510. Article: Scanning Electron Microscope, Model JFSM-30. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is in-

tended to be used for studies of cells and subcellular components; blood vessels. Structural details on membrane surfaces will be investigated to detect surface molecules either directly or after appropriate tagging. The article will be used only by graduate students in training for research or in actual research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign was ordered (September 30, 1974).

Reasons: This application is a resubmission of Docket Number 75-00165-33-46070 which was denied without prejudice to resubmission on December 13, 1976 for informational deficiencies. The foreign article provides a guaranteed resolution of 30 Angstroms in the secondary electron mode. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that the feature described above is pertinent to the applicant's intended use. HEW also advises that domestic instruments could not provide the pertinent resolution at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19668 Filed 7-11-77;8:45 am]

Economic Development Administration

LOU RAN HANDBAGS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Lou Ran Handbags, Inc., 162 Madison Avenue, New York, New York 10016, a producer of handbags and purses, was accepted for filing on July 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-19896 Filed 7-11-77;8:45 am]

RELIABLE MACHINE WORKS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Reliable Machine Works, Inc., 238 Eagle Street, Brooklyn, New York 11222, a producer of metal household furniture, was accepted for filing on July 5, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-19897 Filed 7-11-77;8:45 am]

National Oceanic and Atmospheric Administration

JOHNS HOPKINS UNIVERSITY

Modification of Permits

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permits issued to Dr. G. Carleton Ray and Dr. Douglas Wartzok, Department of Pathobiology, The Johns Hopkins University, Baltimore, Maryland 21205, Mr. William A. Watkins and Mr. William E. Schevill, Woods Hole Massachusetts 02543, and the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington 98112, are modified in the following manner:

The requirement of the Permits that each cetacean marking activity be subject to prior review, consultation and approval is changed so that the Director may, at his discretion, determine whether outside consultation is merited. Additionally, the authorized activities are to be suspended if two animals die or are seriously injured during the research, rather than one animal, as the Permits initially required.

This modification is effective on July 12, 1977.

The Permits, as modified, and documentation pertaining to the modifications, are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington, D.C. 98109; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street Gloucester, Massachusetts 01930.

Dated: June 27, 1977.

[FR Doc.77-19893 Filed 7-11-77;8:45 am]

SEA LIFE, INC.

Issuance of Permit To Take Marine Mammals and Endangered Species

On December 23, 1976, notice was published in the FEDERAL REGISTER (41 FR 55927) that an application had been filed with the National Marine Fisheries Service by Dr. Edward S. Shallenberger, c/o Sea Life, Inc., Makepuu Point, Waimanalo, Hawaii 96795, for a Permit to take by potential haressment an unspecified number of cetacean species, including humpback and sperm whales listed as endagered, in Hawaiian waters for the purpose of scientific research.

Notice is hereby given that on June 30, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit to Dr. Edward S. Shallenberger, for the above taking, subject to certain conditions thereto.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357) November 27, 1974).

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300

South Ferry Street, Terminal Island, California 90731.

Dated: June 30, 1977.

[FR Doc.77-19890 Filed 7-11-77;8:45 am]

UNIVERSITY OF WASHINGTON

Receipt of Applications for Scientific/Research Permit

Notice is hereby given that the following Applicant has applied in due form for a Permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Dr. Albert W. Erickson, Wildlife Research Professor, College of Fisheries, University of Washington, Seattle, Washington 98195 requests a permit to conduct scientific research with the following marine mammals:

To take/year by tagging:	
crabeater seals (*Lobodon carcinophagus*)	1,000
Weddell seals (*Leptonychotes weddelli*)	500
leopard seals (*Hydrurga leptonyx*)	200
Ross seals (*Ommatophoca rossii*)	100
southern fur seals (*Arctocephalus gazella*)	150
southern elephant seals (*Mirounga leonina*)	50
To take/year by killing:	
crabeater seals (*Lobodon carcinophagus*)	500
Weddell seals (*Leptonychotes weddelli*)	100
leopard seals (*Hydrurga leptonyx*)	100
Ross seals (*Ommatophoca rossii*)	50
southern fur seals (*Arctocephalus gazella*)	25
southern elephant seals (*Mirounga leonina*)	25

The animals are to be taken from the Antarctic Continent and adjacent waters over a period of five years.

Two of the species, southern fur seals and southern elephant seals are listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (50 CFR Part 23). The Applicant has been informed of the requirements of the Convention.

The capture by tagging will be accomplished either by the bag capture technique or by anesthetization with syringe guns. Information collected will include determinations of sex, age, and measurements of size and weight.

The capture by killing will be accomplished by either a gun or drug overdose. Specimens are required for studies of the sex and age composition and the breeding biology and food habits of the seals.

The purpose of the research is to provide additional information on existing stocks needed to conduct the more responsive management program required by the Antarctic Treaty, of which the United States is a signatory nation.

Documents submitted in connection with this application are available in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of this application to the Marine Mammal Commission and the Committee on Scientific Advisors.

Written data or views, or request for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 11, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

All statements and opinions that may be contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: July 1, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-19892 Filed 7-11-77;8:45 am]

UNIVERSITY OF WASHINGTON

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit issued to Albert W. Erickson, College of Fisheries, University of Washington, Seattle, Washington 98195, on June 13, 1975, is modified in the following manner: The period of validity, during which the authorized marine mammals may be taken, is extended from June 1, 1977, to June 1, 1979.

This modification is effective on July 12, 1977.

The permit, as modified, and documentation pertaining to the modification is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. and;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98709.

Dated: July 1, 1977.

[FR Doc.77-19891 Filed 7-11-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

GOVERNMENT OF PAKISTAN

Additional Officials Authorized To Issue Visas and Certifications for Exempt Textile Products Exported to the United States

JULY 7, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Additions to list of officials of the Government of Pakistan authorized to issue export visas and certifications for exempt cotton textile products exported to the United States.

SUMMARY: This action adds the names of Mohammad Akhtar Alam and Riaz Ahmad to the previously published lists of officials of the Government of Pakistan who are authorized to issue export visas and certifications for exempt cotton textile products, produced or manufactured in Pakistan and exported to the United States. Complete lists of officials currently so authorized are published as enclosures to the letter to the Commissioner of Customs which follows this notice.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On July 7, 1972 a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the FEDERAL REGISTER (37 FR 13365), which establishes an export visa requirement for cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States. One of the requirements is that the visas accompanying such shipments must be signed by an official authorized by the Government of Pakistan to issue visas.

On May 30, 1973 and January 18, 1974, letters were published in the FEDERAL REGISTER (38 FR 14184 and 39 FR 2293) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, announcing establishment of an administrative mechanism to certify for exemption from the levels of restraint of the bilateral cotton textile agreement between the Governments of the United States and Pakistan certain handloomed and folklore products of the cottage industry of Pakistan. To qualify for exemption each shipment of exempt cotton textile products must be accompanied by a signed certification.

The Government of Pakistan has requested that the names of Riaz Ahmad and Mohammad Akhtar Alam be added to the lists of officials authorized to is-

sue export visas and certifications for exempt textile products exported to the United States. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to make this change.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 7, 1977.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Pakistan for which the Government of Pakistan had not issued an export visa. It further amends, but does not cancel, the directives of May 16, 1973 and January 15, 1974 which established a certification requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of designated handloomed and folklore products of the cottage industry of Pakistan. It also amends, but does not cancel, the directives of March 3, October 7, and November 19, 1976, which named Government of Pakistan officials authorized to issue export visas and certifications for exempt textile products.

Under the terms of the Arrangement Regarding International Trade in Textiles, pursuant to the Bilateral Cotton Textile Agreement of May 6, 1976, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the aforesaid directives are further amended to include the names of Riaz Ahmad and Mohammad Akhtar Alam who are authorized to issue export visas and certifications for exempt cotton textile products, produced or manufactured in Pakistan. Complete lists of officials currently so authorized are enclosed.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE EXPORT VISAS FOR COTTON TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Riaz Ahmad
Ejaz Ahmad
Shabbir Ahmad
Mohammad Akhtar Alam
S. M. Anwar
S. A. Aziz
S. Asif Ali Bokhari
Moinul Hasan
Pir Mohammad Khan
Ghulam Mustafa
Sajjad Hussain Naqvi
Tariq Iqbal Puri
Abdul Ghaffar Quereshi
Mujib-ur-Rehman
Asif Ali Shaikh
Niamat Shah
I. H. Siddiqi
M. Adil Siddiqui
S. A. Zaidi

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Riaz Ahmad
Shabbir Ahmad
Mohammad Akhtar Alam
Mohammad Mahmood Alam
Mian Mahmud Ali
Mohammad Aslam
S. A. Aziz
S. Asif Ali Bokhari
Israr-Ul-Haque
Moinul Hasan
S. M. Z. Hasan
Mohammad Ishaq
Abdul Wahab Khan
M. Salim Kahn
M. Zafar Umar Khan
Mohammad Younus Khan
Taj Mohammad Khan
Abdul Malik
Mohammad Mohsin
Khalid Mahmood Mughal
Ghalib Mustafa
M. Z. I. Naz
Abdul Qayyum
Allah Rakha
Niamat Shah
Asif Ali Shaikh
I. H. Siddiqi
M. Adil Siddiqui

[FR Doc. 77-20032 Filed 7-11-77;10:00 am]

CONSUMER PRODUCT SAFETY COMMISSION

CHEMICAL MONOGRAPH REFERRAL CENTER (CHEMRIC)

Existence of a Monograph Information System Operated by the Consumer Product Safety Commission

Since July of 1975, a referral center, known as the Chemical Monograph Referral Center (CHEMRIC), established by the Consumer Product Safety Commission, has existed to promote the sharing of information on monographs (criteria documents) addressing the toxicity of chemicals (See 41 FR 6121, February 11, 1976). A monograph is a comprehensive, but not necessarily exhaustive, summary and analysis of the literature on a chemical or group of related chemicals, with emphasis on toxicity studies. Substantial annotated bibliographies are also reportable to CHEMRIC. The purpose of the Center is to further the coordination of monograph projects within the Commission, and within the federal and non-federal health community, leading to better quality monographs and avoidance of duplication of effort. CHEMRIC welcomes participation by organizations and individuals engaged in or concerned with the production of such monographs. This service is currently without charge to participants.

The Center is an approved activity of the Department of Health, Education, and Welfare's Coordinating Committee on Toxicology and Related Programs, Toxicology Information Subcommittee, and is operated by the Consumer Product Safety Commission, Directorate of Engineering and Science, Division of Safety Packaging and Scientific Coordination.

The Center accepts and stores notices of planned, in-progress, and recently completed monographs, and in return searches and reports on these notices on request. Searchable fields include chemical identity, monograph title, keyterms, sponsoring organization, performing organization, and report number.

CHEMRIC does not maintain a library of monographs, nor does it provide publication or evaluation services; its function is to direct an enquirer to the organization sponsoring or producing a monograph.

For more information, write Chemical Monograph Referral Center, Consumer Product Safety Commission, Westwood Towers Building, Room 700, 5401 Westbard Avenue, Bethesda, Maryland 20207.

Dated: July 7, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-19899 Filed 7-11-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY GEOPRESSURE SUBCOMMITTEE

Meeting

JULY 7, 1977.

In accordance with provisions of Public Law 92-463 (Federal Advisory Committee Act), the Geopressure Subcommittee of the Advisory Committee on Geothermal Energy will hold its second meeting on Wednesday, July 27, 1977, from 10:00 a.m. to 3 p.m., in Room 317, Federal Building, 705 Jefferson Street, Lafayette, Louisiana. This meeting will be open to the public. The purpose of this meeting is: To review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; in particular, to discuss and to provide advice on programs and approaches to effective government-industry cooperation with respect to geothermal geopressure problems in the development of geothermal energy.

The tentative agenda for the meeting is as follows:

10:00 a.m. Introductory Remarks—Mr. R. C. Repper, Chairman.

10:15 a.m. Aim and Results of the Geothermal-Geopressure Investigation in Southern Louisiana—Professor Murray Hawkins.

10:45 a.m. Review of the Investigation and Definition of Parameters Associated with Testing the Geothermal-Geopressure Well in the Tigre Lagoon Field—Dean O. Carroll Karkalits and Dr. Bill Osborne.

11:15 a.m. Discussion and Review of Potential of Geothermal Resource Utilization in Food and Kindred Products Industries in the State of Louisiana—T. Schnadelback.

11:45 a.m. Legal Problems Associated with Geothermal Research and Development in the State of Louisiana—Thomas Harrell.

12:15 p.m. Lunch.

12:45 p.m. Coordination of Energy Programs Advanced Studies, and Research. Discuss Research Operations, Analysis of the Geothermal-Geopressure Resource, and Present Preliminary Planning Scenarios in the State of Louisiana—Dr. B. Wilkins, Jr.

1:15 p.m. Present Status of Geopressure Activities—J. K. Westhusing.

2:00 p.m. Subcommittee Discussions and Recommendations.

3:00 p.m. Adjourn.

Practical considerations may dictate alterations in the above agenda. This will be a working meeting and the Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than July 22, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545. Comment shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on July 25, 1977 to the Division of Geothermal Energy, Energy Research and Development Administration, Helen Krupovich on 202-376-4904 between 8:30 a.m. and 5 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the Subcommittee and ERDA officials assigned to participate with the Subcommittee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-20022 Filed 7-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 760-1]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference Method Determination

Notice is hereby given that on June 14, 1977, the Environmental Protection Agency received an application from Columbia Scientific Industries, Austin, Texas, to determine if its Model 1600 Oxides of Nitrogen analyzer should be designated by the Administrator of the EPA as a reference method for the chemiluminescence measurement of nitrogen dioxide under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

STEPHEN J. GAGE,
Acting Assistant Administrator for Research and Development.

JULY 5, 1977.

[FR Doc.77-19841 Filed 7-11-77;8:45 am]

[(FRL 760-4); OPP-180126]

MISSOURI DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Terramycin To Control Bacterial Spot on Peaches

The Environmental Protection Agency (EPA) has granted a specific exemption to the Missouri Department of Agriculture (hereafter referred to as the "Applicant") to use no more than 9,912 pounds of Terramycin to control bacterial spot on 1,000 acres of peaches in Missouri. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, bacterial spot is caused by the bacterium *Xanthomonas* pruni; this plant pathogen infects leaves, twigs, and fruit. The Applicant stated that the losses caused by bacterial spot disease are normally between 5-10% from fruit loss and between 10-30% from defoliation on susceptible varieties in Missouri; losses may be 2-3 times greater during wet weather conditions which are much more favorable for development of the disease. Foliar lesions were observed in some orchards on March 31, 1977, indicating that the inoculum was present and active much earlier than usual this year. In addition, the severe winter of 1976-77 has reduced the Missouri peach crop by approximately 50%, and additional crop loss from bacterial spot would be economically unfeasible to growers. Bacterial spot caused by *Xanthomonas pruni* occurs wherever peaches are grown in Missouri; however, it is more prevalent in 750 acres of southeastern Missouri in Dunklin, Stoddard, and Cape Girardeau counties because of more favorable weather conditions for disease development.

The Applicant stated that the currently registered fungicides—copper hydroxide, dodine, and basic zinc sulfate—are ineffective for adequate control of bacterial spot. Zinc sulfate, for instance, has been used commercially for more than 30 years, but has provided poor protection under severe disease conditions; in addition, this product is incompatible with benomyl, which is commonly applied to peaches for the control of other diseases such as brown rot, scab, and powdery mildew.

The Applicant proposed to use the product Myco Shield Agricultural Terramycin, manufactured by Pfizer Chemical Division, at the rate of 11.33 ounces of formulation/100 gallons of spray per acre by ground air-blast sprayers. There will be a maximum of 7 sprays per orchard. Applications will be made by approximately 50 growers. An Extension Fruit Pathologist at the University of Missouri (Columbia, Mo.), stated that all applications of Terramycin will be made on his recommendation, based on orchard disease and weather conditions. Growers will be informed of the program, and will be advised of proper dosages and application techniques.

Under normal growing conditions, monetary loss from damaged fruit would be approximately $305,250 according to the Applicant. However, since there has already been a 50% crop reduction from winter damage, a loss of approximately $153,125 is anticipated from bacterial spot disease damage to peach fruit if oxytetracycline is not made available for control. Losses from defoliation cannot be estimated at this time.

EPA has determined that, under heavy inoculum pressure, Terramycin (the calcium complex of oxytetracycline) would be needed to prevent large scale losses of peaches infected with bacterial spot. Tolerances for oxytetracycline hydrochloride were previously established at 0.35 ppm on pears; currently, a tolerance of 0.1 ppm in or on pears for the calcium complex of oxytetracycline has been proposed; tolerances for peaches are pending. The use of this

pesticide for this exemption is not expected to have any adverse effects to either man or the environment. Therefore, a residue level not exceeding 0.1 ppm has been determined by EPA to be adequate to protect the public health.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of bacterial spot on peaches has or is about to occur; (b) there is no pesticide presently registered and available for use to control the bacterial spot in Missouri; (c) there are not alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Myco Shield Agricultural Terramycin (containing the calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application rate shall be 11.33 ounces of formulation/100 gallons of water;

3. A maximum of 7 sprays per orchard shall be applied;

4. A maximum of 1,000 acres in Missouri shall be treated, of which approximately 750 acres will be located in Dunklin, Stoddard, and Cape Girardeau counties;

5. Application shall be by air-blast sprayers (ground application) at 100–200 gallons of spray per acre depending on tree size;

6. A maximum of 9,912 pounds of Terramycin product shall be applied;

7. The duration of the application period shall be from mid-April until July 31, 1977;

8. Application shall be made by growers;

9. Dr. Paul Steiner, Extension Fruit Pathologist, University of Missouri, Columbia, Mo., shall make recommendations on all Terramycin applications; they shall be based on his personal observations of orchard disease and weather conditions. A newsletter shall be distributed to growers in affected areas, informing them about the Terramycin program for peaches. Subsequently, all interested growers shall be requested to attend a meeting at which they will be apprised of proper dosages and application techniques;

10. Workers shall not be allowed to enter peach orchards after Terramycin application until foliage is dry;

11. The Applicant shall inform Niagara (a subsidiary of FMC), sole distributor of this material, that records of the sale shall be kept and made available. These records shall include the name and address of the purchaser, and the quantity of material purchased;

12. A residual level of oxytetracycline not exceeding 0.1 ppm has been deemed adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. There shall be a preharvest interval of not less than 21 days;

14. All label precautions must be followed;

15. A final report shall be submitted to EPA by the end of 1977, summarizing the results of this program; and

16. The Applicant shall inform EPA immediately of any adverse effects resulting from this program and shall be responsible for the performance of all provisions of this exemption.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).)

Dated: July 6, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-19839 Filed 7-11-77;8:45 am]

[(FRL 760-3); OPP-30000/15A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Diallate; Extension of Period for Submission of Rebuttal Evidence and Comments

On May 24, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient diallate. This notice was published in the FEDERAL REGISTER on May 31, 1977 (42 FR 27669). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Requests for an additional 60 days in which to present evidence to the Agency have been received from many of the applicants and registrants who were affected by the notice of presumption as well as by other interested parties. Requestors have specified a need for additional time to collect, review, collate and assemble necessary data and other information in order to adequately rebut and respond to this notice.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by those wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until September 9, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/15A". Comments and information received on or before September 9, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after September 9, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower, during the same time period.

Dated: July 5, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-19838 Filed 7-11-77;8:45 am]

[FRL 759-8]

PROPOSED TECHNICAL GUIDANCE MANUAL FOR EVALUATING COOLING WATER INTAKE STRUCTURES AND THERMAL DISCHARGES

Extension of Comment Period

This notice extends the period for comments to the notice, published April 28, 1977 (42 FR 21642), announcing the availability and requesting comments on proposed technical guidance manuals for use in satisfying the requirements of Section 316 of the Federal Water Pollution Control Act (86 Stat. 816, et seq.; 33 U.S.C. 1251 et seq.) (hereinafter referred to as the "Act").

Requests for extending the comment period have been received from several interested persons and groups, including the Edison Electric Institute, the Utility Water Act Group, the Tennessee Valley Authority, and individual citizens.

In view of the complexity of the subject matters offered for comment, as well as their potential impact on the electric power generating industry, the United States Environmental Protection Agency has decided that extension of the comment period would encourage examination of the manuals and related decision-making issues to greater depth, in turn resulting in comments more useful to the Agency, and that a reasonable extension of the comment closing

date is eight weeks from the existing (July 1, 1977) date. The comment period is hereby extended, and all comments received on or before August 31, 1977, will be considered.

Dated: July 5, 1977.

JEFFREY G. MILLER,
Acting Assistant Administrator for Enforcement.

[FR Doc.77-19846 Filed 7-11-77;8:45 am]

[FRL 760-2]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Environmental Protection Agency's Science Advisory Board will be held on August 4 and 5, 1977, beginning at 9:00 a.m., in Room 1101, U.S. Environmental Protection Agency, Waterside Mall West Tower, 401 M Street, S.W., Washington, D.C.

This is a regular scheduled meeting of the Committee. The agenda will include: A discussion of Committee activities relative to the Toxic Substances Control Act, a progress report on work to assess the effectiveness of EPA's extramural research, a progress report from the Study Group on Encapsulated Pesticides, consideration of action on a request to review studies on the criteria for setting emission standards for benzene and coke ovens under sec. 112 of the Clean Air Act, and a request to review the Los Angeles Catalyst Project. In addition the Committee will be briefed on selected Agency activities.

The meeting is open to the public. Any member of the public wishing to attend or submit a paper should contact Dr. Richard Dowd, Executive Secretary of the Executive Committee, (202) 755-0263, by COB July 29, 1977.

RICHARD M. DOWD,
Staff Director, Science Advisory Board.

JULY 6, 1977.

[FR Doc.77-19842 Filed 7-11-77;8:45 am]

[FRL 760-5]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Open Meeting

Pursuant to Public Law 92-423, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Public Law 93-523, the "Safe Drinking Water Act," will be held at 9 a.m. on July 27, in Conference Room 2117, Mall Area, Waterside Mall, and at 8:30 a.m., July 28, 1977, in Conference Room 2117, Mall Area, Waterside Mall, 401 M. Street SW., Washington, D.C. 20460.

The purpose of this meeting will be to discuss the National Academy of Sciences' Report concerning the health aspects of constituents found in drinking water and based upon the Report the action steps which should be developed. In addition, the rationale for standard setting; EPA's planned compliance program for the Safe Drinking Water Act; and alternative processes for the disinfection of drinking water will be discussed.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH-550), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The telephone number is: Area Code 202-426-8877.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

JULY 7, 1977.

[FR Doc.77-19969 Filed 7-11-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[(TIAS-2594); Supplement No. 5]

CANADA-U.S.A. TELEVISION AGREEMENT OF 1952

Amendment of Table A

JUNE 30, 1977.

TABLE OF CANADIAN TELEVISION CHANNEL ASSIGNMENTS AND ALLOCATIONS WITHIN 250 MILES OF THE CANADA-U.S.A. BORDER, DATED JUNE 24, 1977, AS REVISED TO APRIL 12, 1977

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canada-U.S.A. Television Agreement has been amended as set forth in the attached list. It is to be noted that those representing assignments will indicate call signs plus parameters.

Further additions, changes, and deletions will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the basic Table of Allocations may be obtained from Downtown Copy Center, 1730 K Street, N.W., Washington, D.C. 20036, telephone (202) 452-1422.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

TV ENGINEERING DATA BASE LISTING - INDEX KEY STATE,CITY,CHAN JUN 24, 1977 PAGE 1
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
NOTICE UNOFFICIAL SECONDARY SOURCE. USE PRIMARY SOURCES FOR OFFICIAL INFORMATION ***NOTICE***

CBUT19	CO LIC	PORT HARDY	BC	50-42-37.0 06 Z .065(KW)	343(FT)	770622
		ZONE 2	*USA BORDER**	127-26-25.0 DA	HOR	
CBUT13	CO LIC	WOSS CAMP	BC	50-10-10.0 12 Z .411(KW)	1297(FT)	770622
		ZONE 2	**USA BORDER**	126-34-08.0 DA	HOR	

[FR Doc.77-19930 Filed 7-11-77;8:45 am]

[Docket No. 21283; File Nos. BRCT-112; BRCT-459; BRCT-366; BRCT-458; FCC 77-409]

GRAYSON ENTERPRISES, INC. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 9, 1977.

Released: July 7, 1977.

1. The Commission has before it for consideration: (a) the captioned applications; (b) a Petition to Deny the broadcast license renewal applications of Stations KMOM-TV and KWAB-TV dated June 6, 1974, filed by Midland Telecasting Company (hereinafter "Midland") and subsequent responsive pleadings filed by the applicants and by Midland [1]; and (c) its inquiries into the operation by Grayson Enterprises, Inc., of Stations KLBK-TV, Lubbock, Texas, KMOM-TV, Monahans, Texas, and KWAB-TV, Big Spring, Texas, and its inquiry into the operation by Texas Key Broadcasters, Inc., a wholly-owned subsidiary of Grayson Enterprises, Inc., of Station KTXS-TV, Sweetwater, Texas. The matters raised in the Petition to Deny and responsive pleadings were inquired into during the Commission's field investigation of the above stations.

2. Information before the Commission raises serious questions as to whether the captioned applicants possess the qualifications to be or to remain licensees of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. By letter dated June 9, 1975, the licensee, by its counsel, purported to waive, with respect to violations of Section 73.1205 of the Commission's Rules, the one year statute of limitations specified in Section 503(b)(3) of the Communications Act of 1934, as amended, for the imposition of monetary forfeitures. However, the Commission has held that the forfeiture sanction may not be imposed in instances in which the notice provisions of Sections 503(b)(2) and (3) have not been met, and that since "forfeiture law is involved provisions must be strictly construed and procedures provided by such law scrupulously observed." Palmetto Broadcasting Co., 33 FCC 265, 308 (1961). See also Belk Broadcasting Co. of Florida, Inc., 29 FCC 2d 150 (1971), Star Stations of Indiana, Inc., 28 FCC 2d 691 (1971). In view of the foregoing, an alternative forfeiture sanction has not been included in this order.

4. Accordingly, *It is ordered,* That the Petition to Deny is granted to the extent indicated herein and is denied in all other respects, and the captioned applications are designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether Grayson Enterprises, Inc., through its subsidiary, Texas Key Broadcasters, Inc., changed the location of Station KTXS-TV's main studio from Sweetwater, Texas, to Abilene, Texas, without the prior approval of the Commission as required by Section 308 of the Communications Act of 1934, as amended, and Section 73.613 (b) of the Commission's Rules, and, if so, whether such violation was willful or repeated;

(b) To determine whether Grayson Enterprises, Inc. and/or its management officials lacked candor with or made written misrepresentations to the Commission regarding the location of KTXS-TV's main studio;

(c) To determine whether, and if so, the extent to which, the applicants engaged in fraudulent billing practices in violation of Section 73.1205 of the Commission's Rules;

(d) To determine whether Grayson Enterprises, Inc. and/or its management officials falsified and/or fabricated, or directed their subordinate employees to falsify and/or fabricate KMOM-TV program logs;

(e) To determine, in light of the evidence adduced under the preceding issues, whether the applicants possess the requisite qualifications to be or to remain licensees of the Commission, and whether a grant of the captioned applications would serve the public interest, convenience, and necessity.

5. *It is further ordered,* That in view of the Petition to Deny filed by Midland, Midland Telecasting Company, Midland, Texas, IS MADE A PARTY to this proceeding.

6. *It is further ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicants and the Party named in paragraph 5, above, within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (d).

7. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (a) through (d), and the applicants then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be licensees of the Commission and that a grant of their applications would serve the public interest, convenience, and necessity.

8. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein and the Party Respondent, pursuant to Section 1.221 of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered,* That the applicants herein, pursuant to Section 311 (a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

10. *It is further ordered,* That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Grayson Enterprises, Inc., licensee of KLBK-TV, Lubbock, Texas, KMOM-TV, Monahans, Texas, KWAB-TV, Big Spring, Texas; to Texas Key Broadcasters, Inc. licensee of KTXS-TV, Sweetwater, Texas; and to Midland Telecasting Company, Midland, Texas.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19889 Filed 7-11-77;8:45 am]

[1] Also before the Commission are the following related pleadings and documents: The Opposition of Grayson Enterprises to Petition to Deny, filed September 30, 1974; Midland's Reply to the Opposition, apparently first received by the Commission's Mail Branch on November 4, 1974, but misplaced and not formally filed, a copy of which was provided by Petitioner and received September 15, 1975; Grayson's Comments on the Reply, filed April 28, 1975; Grayson's "Supplement to Opposition to Petition to Deny," also filed April 28, 1975; a letter dated June 9, 1975, in which Grayson, by its counsel, purported to waive with respect to violations of Section 73.1205 of the Commission's Rules, the one year limitation provided in Section 503(b)(3) of the Communications Act for assessment of forfeitures; and Petitioner's "Reply on Comments of Grayson Enterprises, Inc. to Petition to Deny," filed June 24, 1975.

FEDERAL ENERGY ADMINISTRATION

ALASKA NATURAL GAS TRANSPORTATION SYSTEMS

Request for Comments

Notice is hereby given that the President, through the Office of Energy Policy and Planning, seeks the comments of persons interested in the selection of a natural gas delivery system pursuant to the Alaska Natural Gas Transportation Act of 1976 (Pub. L. 94-596).

This notice is published by the Federal Energy Administration (FEA) on behalf

of the Office of Energy Policy and Planning, which is responsible for receiving and conveying such comments to the President.

On or before July 1, 1977, Federal agencies, States, and interested parties submitted to the President comments on the Federal Power Commission's (FPC) May 1, 1977 Recommendation to the President with respect to Alaska Natural Gas Transportation Systems. Those comments may contain information and opinions which have not been publicly available prior to this time. The purpose of this notice is to afford any interested person an opportunity to respond to such information and opinions. Any person may submit, on or before July 25, 1977, written comments addressing the information and views contained in the comments delivered on or before July 1, 1977. Such comments should be sent to:

Alaska Natural Gas Transportation Project, Federal Energy Administration, Executive Communications, Room 3317, Box NF, Washington, D.C. 20461.

No material submitted in response to this notice can be returned.

Any information or data considered by the person furnishing it to be confidential must be so identified and be submitted in writing, one copy only. The Federal Government reserves the right to determine the confidential status of the information or data and treat it according to its determination.

Issued in Washington, D.C. July 6, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-19840 Filed 7-11-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

JULY 5, 1977.

Pursuant to Section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, August 8, 9, and 10, 1977. The meeting will commence at 9 a.m. on August 8 and 9, and 7:30 a.m. on August 10. The locations of the meetings are listed below.

MONDAY, AUGUST 8

9:30 a.m., Conference Level, Hyatt Regency Washington: Collateral on Advances—Modify Loans to Affiliated Persons—IRA and Keogh Terms and Insurance—Administration of Liquidity Regs—Views on Bond Coverage.

2 p.m., Federal Home Loan Bank Board Building: Review of Merger Criteria—Federal Home Loan Bank Staff Evaluation of Regulations—Interest and Earnings Information by Financial Institutions—Expand 90%-95% Loan Regulations—Real Property Transactions with Affiliated Persons—Reserves Against Loan Sales—IRA and Keogh Terms and Insurance—Modify Loans to Affiliated Persons.

TUESDAY, AUGUST 9

9 a.m., Federal Home Loan Bank Board Building: Continued discussion of Monday afternoon topics.

2 p.m., Conference Level, Hyatt Regency Washington: General Discussion.

WEDNESDAY, AUGUST 10

7:30 a.m., Conference Level, Hyatt Regency Washington: General Discussion.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

GARTH MARSTON,
Chairman.

[FR Doc.77-19717 Filed 7-11-77;8:45 a.m.]

FEDERAL MARITIME COMMISSION

AUSTRALIA-PACIFIC COAST RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 10012-2 is an application on behalf of the member lines of the Australia-Pacific Coast Rate Agreement (No. 10012) to extend the terms and conditions of the presently approved agreement for an unlimited period beyond the present expiration date of September 9, 1977. Agreement No. 10012 covers an arrangement for the establishment and maintenance of freight rates on cargo from ports in Australia, and inland points via such ports, to ports on the Pacific Coast of the United States and inland points via such ports.

By Order of the Federal Maritime Commission.

Dated: July 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19921 Filed 7-11-77;8:45 am]

[Docket No. 77-31]

CHEVRON CHEMICAL INTERNATIONAL, INC. V. BARBER BLUE SEA LINE

Filing of Complaint

Notice is hereby given that a complaint filed by Chevron Chemical International, Inc. against Barber Blue Sea Line was served July 7, 1977. Complaint alleges that it has been subjected to payment of rates for transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 7, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19917 Filed 7-11-77;8:45 am]

DELTA STEAMSHIP LINES, INC. AND JOHN A. MERRITT & CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the

commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Durel Landry, Jr., Vice President—Traffic, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, Louisiana 70150.

Agreement No. 10302, between the above-named parties, is an agency agreement whereby Delta Steamship Lines appoints John A. Merritt & Company as its husbanding agent at the port of Pensacola, Florida on the terms, conditions and to the extent set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: July 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19922 Filed 7-11-77;8:45 am]

MASSACHUSETTS PORT AUTHORITY ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. John W. Arata, Maritime Attorney, Massport, 99 High Street, Boston, Massachusetts 02110.

Agreement No. T-3482, between Massachusetts Port Authority (MPA) and Mitsui O.S.K. Lines, Ltd.; Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon Steamship Co., Ltd., (the Lines), is a terminal services agreement whereby MPA will provide terminal and stevedoring services at the Moran Container Facility in Charlestown, Massachusetts. Services provided by MPA will include container terminal stevedoring, stripping and stuffing services and terminal documentation. As compensation for services, the Lines will pay charges set forth in a schedule of rates listed in the agreement. The Lines agree to engage MPA as their sole and exclusive stevedore in the Port of Boston area for the performance of any and all services set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: July 6, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19923 Filed 7-11-77;8:45 am]

MASSACHUSETTS PORT AUTHORITY AND ZIM CONTAINER SERVICE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. John W. Arata, Maritime Attorney, Massport, 99 High Street, Boston, Massachusetts 02110.

Agreement No. T-3481, between Massachusetts Port Authority (MPA) and Zim Container Service (Zim), is a terminal services agreement whereby MPA will provide terminal and stevedoring services at the Moran Container Facility in Charlestown, Massachusetts. Services provided by MPA will include container terminal stevedoring, stripping and stuffing services and terminal documentation. As compensation for services, Zim will pay charges set forth in a schedule of rates listed in the agreement. Zim agrees to engage MPA as its sole and exclusive stevedore in the container terminal area for the performance of any and all services set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: July 6, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19920 Filed 7-11-77;8:45 am]

[Docket No. 77-30]

PUERTO RICO MARITIME SHIPPING AUTHORITY

General Increase in Rates; Order of Investigation

Effective June 19, 1977, Puerto Rico Maritime Shipping Authority (PRMSA) increased its ocean freight rates between the U.S. Atlantic and Gulf Coasts and Puerto Rico by 10.4 percent. The increase was filed with the Commission on May 17 and 18, 1977, and was accompanied by supporting financial data pursuant to Amendment 1 to General Order 11 (46 CFR 512.3(d)(1)).

Protests and inquiries have been received concerning the lawfulness of the PRMSA proposal from the Cigar Association of America, Inc.; Hanes Corporation; International Platex, Inc.; Puerto Rico Manufacturers Association; Ralston Purina Company; Starkist Foods, Inc. and Sun Harbor Caribe, Inc. Generally, the protestants allege that the increase will have serious detrimental effects upon their ability to do business in Puerto Rico, or take the position that the Commission should carefully examine PRMSA's increase to insure that it is the minimum amount necesary to insure adequate transportation service.

We have permitted the subject rate increase to go into effect without suspension because it is our opinion that there is no financial justification for the suspension of the proposed increases, based upon the data submitted. However, the Commission has not reached a final decision concerning the reasonableness of the 15 percent increase which is presently the subject of Docket No. 75-38.

Accordingly, the Commission is of the opinion that PRMSA's proposed tariff revisions listed in Appendix A should be made the subject of a public hearing.

Now, therefore, *it is ordered*, That pursuant to the authority of Sections 18 (a) and 22 of the Shipping Act, 1916, as amended, and Section 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A for the purpose of making such

findings as the facts and circumstances warrant;

It is further ordered, That as part of this investigation, a determination shall be made as to whether PRMSA's proposed increase in rates is unjust, unreasonable or otherwise unlawful under Section 18(a) of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933:

It is further ordered, That this investigation determine whether the gross revenue to be derived from the proposed rate changes is just and reasonable. Evidence as to the effect of the proposed changes on the movement of any particular commodity or commodities will be considered relevant to this basic issue and may be used to determine what overall revenue will, in fact, be derived. However, the question of reasonableness of any particular commodity rate is not an issue for determination in this proceeding. A particular rate will be affected by an order that may result from this proceeding only insofar as a finding is made regarding the reasonableness of the overall rate level of which the particular rate is a part;

It is further ordered, That shippers or other persons complaining about the level of any particular commodity rate may file a complaint pursuant to Section 22 of the Shipping Act, 1916 (46 USC 821) and litigate the issue of reasonableness of such rate with respect to cost of service, value of service and any other applicable ratemaking factors. They may also petition for leave to intervene in this proceeding provided that they will not broaden the issue described above and that they meet the other tests prescribed by Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) ;[1]

It is further ordered, That any changes or amendments to PRMSA's tariffs as may be filed during the pendency of this investigation will be included in this investigation subject to the foregoing unless; as a result of such changes or amendments, more than 50 percent of PRMSA's tariff items are increased or decreased by 3 percent or more, or PRMSA's gross revenue will increase or decrease by 3 percent or more;

It is further ordered, That during the pendency of this investigation PRMSA will serve the presiding officer and all parties of record with notice of any tariff changes affecting any of the ten leading commodities as reported pursuant to 46 CFR 512.25 at the same time such changes are filed with the Commission;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date to be determined by the Presiding Administrative Law Judge, but in any event, the hearing date shall not be set until this Commission issues a final decision on the issues in Docket No. 75–38.

The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That (1) a copy of this Order be forthwith served upon the respondent and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER, and (2) the respondent and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.27) with a copy to all parties to the proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX A

PUERTO RICO MARITIME SHIPPING AUTHORITY

Tariff FMC–F No. 1—Supplement No. 10, Effective June 19, 1977.

Tariff FMC–F No. 2—7th Revised Page 25, 5th Revised Page 25A, 2nd Revised Page 25B, 2nd Revised Page 25C, 6th Revised Page 26, 4th Revised Page 26A, 4th Revised Page 27, 8th Revised Page 28, 3rd Revised Page 28A, 4th Revised Page 28B, 2nd Revised Page 28C, 4th Revised Page 28D, 4th Revised Page 29, 7th Revised Page 30, 5th Revised Page 30A, 5th Revised Page 30B, 8th Revised Page 31, 2nd Revised Page 31A, 7th Revised Page 32, 3rd Revised Page 32A, 2nd Revised Page 32B, 5th Revised Page 33, Effective June 19, 1977.

5th Revised Page 27, 9th Revised Page 28, 9th Revised Page 31, Effective July 3, 1977.

[FR Doc.77–19919 Filed 7–11–77;8:45 am]

[No. 77–29]

STOCKTON ELEVATORS V. STOCKTON PORT DISTRICT

Filing of Complaint

Notice is hereby given that a complaint filed by Stockton Elevators against Stockton Port District was served July 6, 1977. The complaint alleges that respondent has violated sections 15, 16, and 17 of the Shipping Act, 1916, in connection with levying of a franchise fee on all commodities handled over the wharf of Stockton Elevators.

Hearing in this matter, if any is held, shall commence on or before January 6, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements,, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–19918 Filed 7–11–77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76–115 and Docket Nos. RP73–109 and RP74–95]

NORTHWEST PIPELINE CORP.

Order Approving Pipeline Rate Settlement With Modification

JULY 5, 1977.

On April 6, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed stipulation and agreement which would terminate the proceedings in Docket No. RP76–115 and would resolve the controversy concerning the rate treatment for Northwest Pipeline Corporation's (Northwest) own production from wells commenced after January 1, 1973, on San Juan leases acquired prior to October 8, 1969 (hereinafter new production). The new production issue was reserved for hearing in Docket Nos. RP73–109 and RP74–95. For the reasons stated below, the Commission shall approve the proposed agreement with modification.

Northwest filed a general rate increase application on July 1, 1976, which was designated as Docket No. RP76–115. By order dated July 30, 1976, the Commission accepted Northwest's application for filing and suspended its operation until January 1, 1977. Staff served its top sheets on December 1, 1976, and a prehearing conference was held on December 16, 1976. Settlement discussions held among the parties to the proceeding, including the Commission staff resulted in the settlement now before the Commission. Notice of the proposed settlement was issued on April 21, 1977 with comments due on or before May 3, 1977. Comments were field by Northwest and Cascade Natural Gas Corporation; both urged approval of the proposed agreement. The staff submitted oral comments in support of the settlement at the conference held on pril 4, 1977, at which time the settlement agreement was introduced in the record for purposes of certification thereof to the Commission.

The jurisdictional cost of service agreed to by the parties is $574,569,258 as shown in Appendix A. The settlement rate of return is 9.81 percent with a return on common equity of 13.50 percent, as shown on Appendix B. Because the

[1] The provisions of Rule 41 of the Commission's Rules of Practice and Procedure (46 CFR 502.41) naming such persons "complainants" and automatic parties without a showing of compliance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) are hereby waived to insure that the proceeding will be properly confined to the issue described above. (Rule 10 of the Commission's Rules of Pracitce and Procedure, 46 CFR 502.10.)

settlement cost of service is slightly higher than the filed rates in the Docket No. RP76–115, the parties agree that no rate reductions or refunds will result from the proposed agreement, and that Northwest's filed rates should be approved.

The proposed agreement contains a provision under which Northwest agrees to relinquish its claim for cost of service rate treatment for its new production in Docket Nos. RP73–109, RP74–95 and RP77–115. In choosing to follow the national rate treatment, Northwest's cost of service in Docket No. RP76–115 was increased by approximately $12.5 million. Although relinquishing its claim for cost of service treatment in these dockets, Northwest stated that "it is in no way precluded from taking the position in any future rate proceeding that it is entitled to cost of service treatment" for its new production. The Commission finds that national rate treatment for Northwest's new production is reasonable and should be approved in accordance with the term of the settlement. While Northwest shall not be precluded from claiming cost of service treatment for its new production in future cases, nevertheless the Commission hereby places Northwest on notice that it will have a heavy burden of proof to justify a change from national rate treatment for such production. Once a pipeline chooses to follow one rate treatment for its own production, as Northwest did here, to its own advantage, the Commission believes that such rate treatment should be followed consistently in succeeding cases, absent changed circumstances of a compelling nature which would require a different result.

The settlement agreement provides for possible future refund of costs associated with Mountain Fuel Resources' (Mountain Fuel) Clay Basin storage project. The agreement includes an allowance of $5,190,600 representing estimated payments by Northwest to Mountain Fuel for Clay Basin storage service. Should Northwest pay less than this allowance to Mountain Fuel during calendar year 1977 for storage service, it will refund the jurisdictional portion of the difference to its jurisdictional customers. Likewise, if Mountain Fuel is required to refund any portion of its storage service charges to Northwest, Northwest will flow through the jurisdictional portion of the refunds to its jurisdictional customers. The refunds to Northwest's jurisdictional customers in either case shall be made by crediting the refund to Northwest's unrecovered purchased gas cost account.

A second contingent refund relates to Northwest's rate base. For purposes of the settlement agreement, a reference rate base of $333,949,549 excluding advance payments has been utilized. Northwest shall determine at the close of calendar year 1977 the average rate base for the year based on the average of the monthly balances shown in its books and records. Should the average rate base for 1977 be less than the referenced rate base, the difference will be multiplied by 14.34% [1] and the jurisdictional portion refunded to jurisdictional customers. The agreement provides for a procedure by which staff may review and, if necessary, challenge Northwest's rate base determination. Refunds, if any, will be passed on to the jurisdictional customers by crediting the unrecovered purchased gas cost account. In addition, should the actual rate base be less than the referenced rate base, Northwest shall calculate the unit amount and reduce its rate accordingly.

Northwest agrees under the proposed settlement to relinquish its claims to recover special overrriding royalty costs for its new production for the period from June 21, 1974 until the rates in Docket No. RP76–115 are superseded. For Northwest's production on wells drilled before January 1, 1973, on leases acquired after October 7, 1969, the proposed agreement states that:

> Northwest has and shall continue to have the right to file appropriate current and surcharge rate adjustments to recover any additional payments which Northwest is required to make to special overriding royalty interest owners.

The Commission's review of the proposed language indicates that it does not provide the necessary safeguards to assure that Northwest's costs and revenues match. The Commission's order of July 30, 1976, in Docket No. RP76–115 rejected a tariff sheet reflecting a potential special overriding royalty cost increase without prejudice to Northwest refiling a tariff sheet reflecting a current surcharge for any special overriding royalty cost increases during the period in which the Docket No. RP76–115 rates are effective. The above-quoted language does not connect the adjustments to any particular rate level. Because of this, such increases could be passed on to Northwest's customers without Commission review of the justness and reasonableness of the underlying rate level. Accordingly, the Commission shall modify the agreement by providing a means for obtaining necessary data to determine the reasonableness of any increase for special overriding royalty costs filed by Northwest and for taking such action as may be appropriate in light of the filing, as hereinafter ordered. The Commission believes such action is in the public interest and follows the spirit of the agreement which states that Northwest's right to file and collect increased rates for special overriding royalty costs "does not resolve the question whether such rate adjustments may be just and reasonable."

The settlement agreement contains an advance payments tracking provision, and provides for revised tariff provisions which permit the current collection, through a surcharge, of demand charge credits and the collection of carrying charges on unrecovered purchased gas costs. Under the agreement, Northwest cannot file a general rate increase which will become effective prior to January 1, 1978.

The Commission's review of the proposed settlement agreement indicates that approval, with the modification ordered, would be in the public interest. The settlement cost of service represents a reasonable determination of the costs incurred by Northwest, and in those cases where possible refunds can be anticipated, provides a reasonable means of audit, review and refund which will protect all parties.

The Commission orders: (A) The proposed settlement agreement, certified to the Commission on April 6, 1977, and incorporated herein by reference, is hereby approved, subject to modification below.

(B) Nothing contained herein shall be deemed to relieve Northwest of the Commission's filing requirements in Part 154.63 of its regulations should the Commission determine such data is necessary in judging the propriety of a tariff filing relating to special overriding royalty costs. Further, nothing contained herein shall be construed as limiting the Commission's rights under the Natural Gas Act to reject or otherwise dispose of any tariff filing made by Northwest to collect the potential overriding royalty costs.

(C) The hearing on pipeline production issues previously ordered in Docket Nos. RP73–109 and RP74–95 is hereby canceled and the proceedings terminated.

(D) Northwest shall file within 30 days of the issuance of this order revised tariff sheets in accordance with the terms of the settlement and of this order. Upon compliance with the terms of this order, the proceeding in Docket No. RP76–115 shall be terminated.

(E) The Secrtary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] This is the factor for the settlement rate of return of 9.81% and the related income tax of 4.53%.

APPENDIX A.—*Northwest Pipeline Corp., Docket No. RP76-115, Settlement Cost of Service*

[Docket Nos. RP76-115, RP73-109, and RP74-93]

Line No.	Description (a)	Amount (b)
1	Operation and maintenance expenses	[1] $527,255,852
2	Depreciation, depletion and amortization	20,793,854
3	Taxes, other than income	7,055,549
4	State income taxes	987,899
5	Federal income taxes	16,829,617
6	Other income deductions—donations	34,309
7	Return at 9.81 pct	33,607,410
8	Total cost of service before revenue credits	606,563,490
9	Deduct other operating revenues	(24,668,277)
10	Total cost of service	581,901,213
11	Jurisdictional cost of service	574,569,258
12	Jurisdictional revenue at filed rates	574,204,892
13	Jurisdictional revenue excess or (deficiency)	(364,366)

[1] Includes $20,470,126 for company-owned production from wells commenced on and after Jan. 1, 1973 (12,853,000,000 ft³ at 14.73/in²a priced at the national rates prescribed in FPC opinion No. 770-A) and $158,503,355 for purchased gas costs (369,522,000,000 ft³ priced at an average purchased gas cost of $1.2304).

APPENDIX B.—*Northwest Pipeline Corp., Docket No. RP76-115, Settlement Rate of Return*

[Docket Nos. RP76-115, RP73-109 and RP74-93]

[In percent]

Line No.	Description (a)	Capitalization ratio (b)	Cost of capital (c)	Rate of return (d)
1	Long term debt	62.48	7.85	4.90
2	Preferred stock	5.30	10.53	.56
3	Common equity	32.22	13.50	4.35
4	Total	100.00		9.81

[FR Doc.77-19689 Filed 7-11-77;8:45 am]

[Docket No. RP77-41]

SOUTHERN NATURAL GAS CO.

Order Granting Petition for Emergency Relief

JULY 5, 1977.

On March 7, 1977, Southern Natural Gas Company (Southern) filed a petition for emergency relief in the captioned docket. The petition seeks authorization to recover the costs of an emergency gas storage service rendered by Northern Illinois Gas Company (NI Gas) to assist Southern in meeting Priority I requirements from January 18th through March 19th of this year. For the reasons set out below, the Commission grants the petition and allows Southern to recover, through the PGA provision of its tariff, the costs associated with the emergency service totaling about $1.8 million.

To meet threatened curtailments of Priority 1 customers, Southern arranged, pursuant to 18 CFR 2.68, an emergency storage service from NI Gas whereby NI Gas agreed to provide up to 1,000,000 Mcf of gas during a 60-day period at rates of up to 150,000 Mcf per day. In return, Southern agreed to replace the gas withdrawn from NI Gas's storage facilities on a three-to-one basis. Southern took approximately 800,000 Mcf of gas from January 18 through March 19, 1977. The payback obligation, then, is about 2.4 million Mcf. Southern's petition seeks to recoup the costs of the payback as well as the transportation costs incurred in the transaction.

The total cost of the emergency service is $2,322,863 or $2.9029 per Mcf.[1] This cost is comprised of the cost of gas and the cost of transportation and is calculated as follows: The cost of the 800,000 Mcf withdrawn from NI Gas's storage and delivered to Southern is said to equal the cost of payback volumes. The source of payback volumes is assumed to be Southern's system supply. Since Southern's average cost of gas is 66.74 cents per Mcf, the cost of paying back 2.4 million Mcf is $1,601,760. Total transportation charges are $721,103. This figure represents total transportation charges for deliveries of emergency gas and redeliveries of payback volumes plus the cost to Southern of supplying gas retained by one pipeline for compression fuel and line loss. Charges by the four pipelines involved in the transportation are detailed in the Appendix.

Of the $2.9029 per Mcf total cost, $2.24 per Mcf, or the cost of the emergency supplies in excess of Southern's base rate for gas of 66.74 cents (already recovered), will be recouped through the PGA rate increment authorized herein.

Southern submits that the transaction with NI Gas was necessary to maintain service to high priority customers; that without the emergency gas supply obtained from NI Gas a major disaster would have occurred on Southern's system; that the price paid for the emergency service was prudent under the circumstances; and that, therefore Southern should be authorized to recover all costs associated with the transaction. Southern cites in the telegraphic order, issued January 18, 1977, which suggested that Southern encourage distributors to switch to alternate fuel supplies, such as propane, and which authorized Southern to pay the costs of alternate fuels in return for the gas made available by substitution. Southern argues that total cost of the NI GAS transaction was substantially lower than the costs of obtaining alternate fuels. For example, Southern claims that to replenish gas withdrawn from storage NI Gas required increased supplies of SNG. SNG, at that time, would have cost Southern $4.00 per Mcf including transportation.

Based upon a review of Southern's petition, and the Commission's general knowledge and understanding of the circumstances faced by Southern in the first few months of 1977, the Commission finds that the emergency transaction entered into between NI Gas and Southern was in the public interest and that Southern's agreement to pay back on a 3:1 basis was not unreasonable given the existing circumstances. Southern shall therefore be authorized to recoup the costs of its gas acquisition as described above.

The Commission notes that the relief requested is designed to make Southern whole; that is, to allow recovery of all costs associated with the NI Gas transaction—no more or no less. In allowing this type of cost recovery, there are two factors which must be evaluated to assure that the pipeline is not allowed to recover more than the actual costs incurred in the transaction. First, the pipeline's underlying rates and cost of service must be evaluated to determine whether a double recovery of transportation charges paid to others will occur. To the extent that a pipeline's underlying rates embody transportation charges paid to others, there is the possibility that by including similar transportation charges in PGA rates, the pipeline will recover transportation costs twice. This consideration is not of major concern here since "transportation charges paid to others" represents an insignificant portion of Southern's overall cost of service and because it is apparent that Southern's need for emergency gas supplies was not causally related to a reduction in gas volumes transported by others. In other words, Southern, by incurring emergency transportation costs did not save other transportation costs; the costs allowed to be recovered herein are in addition to and do not replace costs which otherwise would have been incurred.

Second, the pipeline's actual sales volumes must be compared with the sales volumes projected in that pipeline's most recent rate case. When emergency supplies allow a pipeline to sell greater volumes of gas than anticipated, and when, as here, that pipeline is allocating costs on the United Method, there is an imminent danger that revenues will be produced which will yield an unreasonably high rate of return. This "windfall" will occur since a significant portion of fixed costs are recovered through the commodity portion of the pipeline's underlying rates. This concern is not controlling in our present determination because Southern's previous settlement agreement includes a provision for an adjustment of rates and appropriate refunds if annual sales for the 12 months ending September 30, 1977, exceed estimated test year sales.

Public notice of Southern's petition, issued on April 7, 1977, provided for comments to be filed on or before April 22, 1977. NI Gas filed a petition to intervene stating that it had an interest in the proceeding which was not adequately represented by any existing party. NI Gas has no comments on the substance of the petition and does not request a hearing. NI Gas' petition to intervene shall be granted.

[1] All figures are approximate. Dollar estimates are based on 800,000 Mcf initial take which is rounded from the 789,000 Mcf.

The Commission orders: (A) Southern is authorized to track in its PGA rates the costs of the emergency storage service rendered by NI Gas, as more fully described herein.

(B) NI Gas is permitted to intervene subject to the rules and regulations of the Commission; *Provide, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and, *Provided further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX.—*Transportation charges for the transactions are as follows (all figures are approximate)*

Description	Rate	Volume	Amount
NI Gas to Southern:			
Natural Gas Pipeline Co. of America	(1)		
Transcontinental Gas Pipe Line Corp	$0.1960	800,000	$156,800
South Texas Gathering Co	(1)		
Southern to NI Gas:			
Transcontinental Gas Pipe Line Corp	(1)		
Natural Gas Pipeline Co. of America	.2000	2,400,000	480,000
Natural (value of 5 pct gas retained as fuel gas)	.6674	125,316	84,303
United Gas Pipeline Co	(1)		
Total transportation charges			721,103

[1] No charge.

[FR Doc.77-19687 Filed 7-11-77;8:45 am]

[Docket No. RI77-31]

THOMAS A. BARTOE

Order Granting Petition for Special Relief

JUNE 5, 1977.

On January 21, 1977, the Pennsylvania Oil and Gas Association filed a "Notice of Independent Producer Rate Change Filing" on behalf of one of its members, Mr. Thomas A. Bartoe (Bartoe). By this filing, Bartoe seeks an increase in rate from 29 cents per Mcf to a total rate of 68 cents per Mcf at 14.73 psia for sales of natural gas to Columbia Gas Transmission Corporation (Columbia) from the Cady No. 1 Well located in the Eau Claire Field, Venango Township, Butler County, Pennsylvania. Bartoe, a small producer, owns 100 percent of the working interest in the well. Bartoe submitted a letter dated February 11, 1977, wherein Columbia states that it is willing to amend its August 23, 1956, base contract with Bartoe to provide for a price found just and reasonable by the Commission.

Bartoe states that because of cavings and water, the Cady No. 1 Well must be bailed, cleaned out, and a packer set which will prevent further cavings or water from covering the gas producing sand. Bartoe estimates the cost to move a rig in, bail, clean out to bottom, run a packer on a string of two-inch tubing and connect up is $4,080. While not filed as such, we shall treat Bartoe's Notice of Rate Change as a petition for special relief pursuant to section 2.76 of the Commission's Statements of General Policy and Interpretations.

Notice of Bartoe's filing was issued on February 9, 1977, and was published in the FEDERAL REGISTER on February 16, 1977, at 42 FR 9431. No petitions to intervene or protest were filed.

Based on analysis of data submitted by Bartoe, Staff estimates that 37,836 Mcf of natural gas reserves at 14.73 psia remain to be produced over a period of twelve years, and concludes that the requested relief is warranted on a cost basis.[1] After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Bartoe special relief.

The Commission finds: The application for a rate increase filed by Bartoe meets the criteria set forth in section 2.76 of the Commission's Statement of General Policy and Interpretations.

The Commission orders: (A) Bartoe's application for a rate increase, herein treated as a petition for special relief, is hereby granted.

(B) Bartoe is authorized to collect a total rate of 68 cents per Mcf at 14.73 psia for sales of natural gas to Columbia from Bartoe's Cady No. 1 Well located in the Eau Claire Field, Venango Township, Butler County, Pennsylvania, effective on the date of issuance of this order or on the date of completion of the proposed work, as specified in the text of this order, whichever is later. This authorization is contingent upon Bartoe's filing within 30 days of the effective date provided herein a statement signed by Columbia that the proposed work has been performed to Columbia's satisfaction.

(C) Within 30 days of the date of issuance of this order, Bartoe shall submit a copy of an amendment to its base contract with Columbia giving Bartoe the contractual authority to collect the proposed rate.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] See Appendix A attached hereto.

APPENDIX A.—*Thomas A. Bartoe, Docket No. RI77-31, Cady No. 1 Well, Eau Claire Field, Butler County, Pennsylvania*

Line No.	Item	Amount
	Unit Cost of Gas	
1	Net working interest volumes:	
2	Gas—1,000 ft³ at 14.73/in² a[1]	37,836
3	Liquids	0
4	Cost of production:	
5	Return on rate base [2]	$5,560
6	D.D. & A [3]	6,780
7	Production expense [4]	14,859
8	Regulatory expense [5]	33
9	Total cost of production	27.2
10	Unit cost of gas (cents per 1,000 ft³):	
11	Cost of production [6]	72.00
12	Production tax [7]	0
13	Total unit cost	72.00

[1] 37,836 times 1.00 net working interest.
[2] Line 19 of sheet 3 times 0.15 times 12 yr productive life.
[3] Line 6 of sheet 2.
[4] Based on estimated 1977 production expense of $1,016 escalated 5 pct per year for the first 5 years. Plus a lease rental payment of $50 per year.
[5] Line 2 times 0.1 cents per 1,000 ft³ per opinion No. 749.
[6] Line 9 divided by line 2.
[7] No production tax in Pennsylvania.

Line No.	Item	Amount
	Investment	
1	Investment	
2	Remaining net book value	$2,700
3	Install packer and drain off water	4,080
4	Total investment	6,780
5	Less salvage value	0
6	Depreciable investment	6,780
7	Depreciation per unit of production [8]	0.17919

[8] Line 6 divided by 37,836,000 ft³.

Average Annual Investment and Rate Base

Line No.	Year	Annual N. W.L. production (1,000 ft³)	Beginning of year investment	Depreciation[4]	End of year investment	Average investment[2]
	(a)	(b)	(c)	(d)	(e)	(f)
1	Average investment:					
2	1977	4,440	$6,760	$726	$5,934	$6,332
3	1978	4,200	5,934	703	5,231	5,583
4	1979	3,960	5,231	699	4,532	4,882
5	1980	3,660	4,532	659	3,873	4,204
6	1981	3,360	3,873	602	3,274	3,575
7	1982	3,180	3,274	570	2,704	2,989
8	1983	2,940	2,704	527	2,177	2,441
9	1984	2,760	2,177	425	1,752	1,965
10	1985	2,580	1,752	462	1,290	1,521
11	1986	2,400	1,290	420	790	1,055
12	1987	2,280	790	405	385	588
13	1988	2,136	385	385	0	191
14	Total	37,836		6,789		25,244
15	Average annual investment[3]					2,527
16	Annual rate base:					
17	Average annual investment					2,527
18	Average annual working capital allowance[4]					125
19	Average annual rate base					3,652

[1] Col. (b) times line 7 of sheet 2.
[2] (Col. (c) plus col. (e)) divided by 2.
[3] Col. (f) of line 14 divided by 12 year productive life.
[4] 0.125 times line 7 of sheet 1 divided by 12 yr productive life.

[FR Doc.77-19688 Filed 7-11-77;8:45 am]

[Docket No. ER76-331]

WISCONSIN POWER & LIGHT CO.

Order Approving Settlement Agreement

JULY 1, 1977.

On April 6, 1977, Wisconsin Power & Light Company (WP&L), filed "Motion of Wisconsin Power and Light Company for Order Approving Settlement Agreement, Accepting Tariff Sheets For Filing, and Terminating Proceedings." Attached to the motion was a separate document entitled Settlement Agreement. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Proceedings in this docket were initiated on December 4, 1975, when WP&L tendered for filing proposed rate increases for thirty two municipal wholesale customers, two private utility wholesale customers, and five rural electric cooperative wholesale customers. By order issued December 31, 1975, the Commission rejected the filing for WP&L's six customers with fixed rate contracts.[1] In addition, the Commission accepted the filing for WP&L's other wholesale customers and suspended the effectiveness of the proposed rate schedules until March 4, 1976. The Commission granted intervention to the municipals' private and cooperative wholesale customers who protested the filing and petitioned to intervene.

Notice of the settlement was issued on April 26, 1977, with responses due on or before May 13, 1977. On April 14, 1977, both the Municipal and Cooperative wholesale customers filed comments indicating that the Settlement Agreement's proposed rates represent a reasonable resolution of the issues presented in this case.[2] The wholesale customers further assert that they consider WP&L's agreement to provide them with notification of changes in the estimated cost of nuclear fuel in the fuel adjustment clause as part of the consideration of the Settlement Agreement. In addition, appended to the wholesale customers' comments was a letter dated March 17, 1977 signed by the Controller, on behalf of WP&L, to the Intervenors stating that "WP&L agreed to notify the intervenors promptly of any changes in the estimates of nuclear fuel costs reflected in application of WP&L's fuel adjustment clause." The intervenors request that this letter be made a part of the record of this proceeding. Neither WP&L nor Staff has objected to the inclusion of this document into evidence. Indeed, Staff has tacitly supported it. On May 13, 1977, Staff filed its Comments endorsing the Settlement Agreement as filed, with the caveat mentioned by the wholesale customers in their Comments.

Under the proposed settlement, joined by all parties, the rate increase would be reduced by approximately $2,569,600 to a rate increase of $1,441,600 based on the same test year. Staff's informal Top Sheet presentation would justify an increase of $1,557,381. The Staff computes the settlement rates to produce an earned rate of return of 8.88% with 11.44% return on common equity from the wholesale service.

The Commission finds: (1) The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

(2) Good cause exists to waive Sections 35.3 and 35.13 of the Regulations.

(3) Good cause exists to make the letter dated March 17, 1977, signed by Albert W. Graham, Controller, on behalf of WP&L, to Intervenor's counsel a part of the record of this proceeding.

The Commission orders: (A) The Settlement Agreement tendered to the Commission on April 6, 1977, is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Waiver of Sections 35.3 and 35.13 of the Regulations is hereby granted and the tendered rate schedules are hereby accepted for filing to be effective March 4, 1976.[3]

(C) The Settlement Agreement is hereby approved; *provided, however,* that the settlement rates will not produce revenues in excess of Staff's recommended rate of return of 9.11%, including 12.00% on common equity.

(D) In accordance with the terms of the Settlement Agreement, WP&L is directed to refund within thirty days of the date of this order, all amounts collected in excess of the settlement rates with interest at 9% per annum. In addition, WP&L is directed to file a compliance report within fifteen days after refunds have been made, such report to show the monthly billing determinants and revenues under prior, current and settlement rates. The report should also show the monthly rate refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall be furnished to each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any finding or order which may have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against WP&L or any person or party.

(F) The letter dated March 17, 1977, signed by Albert R. Graham, Controller, on behalf of WP&L, to Intervenor's counsel is hereby made a part of the record in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Namely, Pioneer Power & Light Company, Cross Plains Electric Company, Stoughton, Columbus, Princeton and Shullsburg.

[2] Belmont, Black Barth, Boscobel, Brodhead, Cuba City, Footville, Hazel Green, Hustiford, Juneau, Lodi, Muscoda, New Glares, Pardeeville, Plymouth, Reedsburg, Sheboygon Falls, Sun Prairie, Waunakee, Waupun, Wisconsin Dells, Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Rock County Electric Cooperative Asso., Washara County Electric Cooperative, Inc.

[3] See Appendix for rate schedule designations.

APPENDIX.—*Wisconsin Power & Light Co., Docket No. ER76-331*

Settlement rates

Customer	Supplement No.	Rate schedule FPC No.	Supersedes supplement No.
Municipal customers—Rate W-3: [1]			
City of Evansville	11	29	10
Village of Gresham	12	31	11
Village of New Glarus	11	39	10
Village of Hustiford	10	71	9
City of Sun Prairie	10	73	9
City of Plymouth	9	75	8
Village of Muscoda	11	76	10
City of Boscobel	9	77	8
City of Cuba City	9	79	8
City of Waupun	9	82	8
City of Brodhead	9	83	8
Village of Sauk City	8	84	7
City of Juneau	8	86	7
City of Benton	8	88	7
City of Reedsburg	8	89	7
Village of Hazel Green	7	91	6
Village of Mount Horeb	8	92	7
Village of Black Earth	8	93	7
Village of Prairie Du Sac	8	95	7
City of Wisconsin Dells	8	96	7
City of Sheboygan Falls	7	98	6
City of Lodi	7	101	6
Village of Pardeville	6	102	5
Village of Wonewoc	4	107	3
Village of Mazomanie	4	108	3
Village of Waunakee	4	109	3
Village of Belmont	4	110	3
Village of Footville	4	111	3
Cooperative customer—Rate W-2:			
Rock County Electric Cooperative Association	10	69	9
Columbus Rural Electric Cooperative	6	103	5
Waushara County Electric Cooperative	4	105	3
Adams-Marquette Electric Cooperative	4	112	3
Central Wisconsin Electric Cooperative	4	113	3
Municipal customer—Rate W-3 [2]			
City of Stoughton [3]	2	115	1
Village of Black Earth	[4] 2	116	1

[1] Undated; filed Apr. 6, 1977; effective Mar. 4, 1976.
[2] Undated; filed Apr. 6, 1977; effective Feb. 13, 1977.
[3] Undated; filed Apr. 6, 1977; effective Mar. 4, 1976.
[4] Redesignation of supplement No. 8 to rate schedule FPC No. 93.

[FR Doc.77-19690 Filed 7-11-77;8:45 am]

FEDERAL RESERVE SYSTEM

EQUIMARK CORP.

Order Granting Determination Under Bank Holding Company Act

Funding Systems Corporation ("FSC"), Pittsburgh, Pennsylvania, has requested a determination, pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended ("Act") (12 U.S.C. 1841(g)(3)), that Equimark Corporation ("EC"), Pittsburgh, Pennsylvania, a bank holding company within the meaning of section 2(a) of the Act, as amended (12 U.S.C. 1841(a)) ("Act"), by virtue of its ownership of more than 25 per cent of the issued and outstanding voting shares of Equibank, N.A. ("Bank"), Pittsburgh, Pennsylvania, is not in fact capable of controlling G. Gray Garland or Floyd R. Ganassi, both of Pittsburgh, Pennsylvania, notwithstanding the fact that both are indebted to Bank. Pursuant to an agreement dated April 22, 1975, EC sold all of its interest in FSC, formerly a direct subsidiary of EC, to Messrs, Garland and Ganassi.

Under the provisions of section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), shares transferred after January 1, 1966, by any bank holding company to a transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee. FSC has submitted to the Board evidence to support its contention that EC does not in fact control either Mr. Garland or Mr. Ganassi.

Notice of an opportunity for hearing with respect to FSC's request for a determination under section 2(g)(3) was published on April 8, 1977 [42 FR 18658 (1977)]. The time provided for requesting a hearing has expired. The only such request that has been received by the Board has been withdrawn.

It is hereby determined that EC is not in fact capable of controlling either Mr. Garland or Mr. Ganassi. This determination is based upon the evidence of record in this matter, including the following facts: Mr. Garland and Mr. Ganassi are both individuals of substantial means, and, but for a two-month period immediately prior to the FSC transaction, during which both served as officials of FSC, neither has ever served as an officer, director, or employee of EC or any of its subsidiaries. The indebtedness of both individuals and their related interests to EC and its subsidiaries arose in the normal course and independent conduct of the business of the individuals and their financial interests. No security interest was retained by EC in the shares of FSC transferred to Messrs. Garland and Ganassi, and although a subsidiary of EC has continued to make credit available to FSC following the transfer, it appears that such credit was extended in the ordinary course of that subsidiary's lending business. Debt owed by Messrs. Garland and Ganassi and their interests to subsidiaries of EC on April 22, 1975, have been partially but significantly repaid. Furthermore, the sale of shares of FSC to Messrs. Garland and Ganassi appears to have been the result of arms-length negotiations, and there is no evidence that the sale was motivated by an intent to evade the requirements of the Act. There are no interlocking officer or director relationships between EC or its subsidiaries and FSC. The board of directors of FSC has submitted a resolution disclaiming control over FSC by EC or its subsidiaries, and a similar resolution by the board of directors of EC was submitted disclaiming control over FSC.

This determination is based upon the representations made to the Board by FSC and EC. In the event the Board should hereafter determine that the facts material to this determination are otherwise than as represented, or that FSC or EC failed to disclose to the Board other material facts, this determination may be revoked, and any material change in the facts or circumstances relied upon by the Board in making this determination could result in the Board reconsidering the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(1)), effective July 5, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19909 Filed 7-11-77;8:45 am]

NATIONAL DETROIT CORP.

Order Approving Acquisition of Grand Traverse Mortgage Company, Inc.

National Detroit Corporation, Detroit Michigan ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire substantially all of the assets of Grand Traverse Mortgage Company, Inc., Traverse City, Michigan ("Company"), a mortgage broker, through a subsidiary corporation, NBD Mortgage Corporation, Birmingham, Michigan ("NBD"). Although title to all of the stock of Company will remain in its current shareholders, the acquisition of its assets will render Company essentially a shell corporation and accordingly the proposed acquisition of Company's assets is treated herein as an acquisition of Company.

NBD is a mortgage banker that engages in the origination of mortgage loans for its own account and the account of others, and the servicing of such loans for permanent investors. NBD specializes in the origination and servicing of FHA, VA, and privately insured low down payment residential mortgage loans. Although Company currently acts only as a mortgage broker.[1] Applicant states that it will engage in the full range of mortgage banking activities presently performed by NBD upon consummation of the proposed transaction and will also emphasize FHA, VA, and privately insured low down payment residential mortgage loans. The origination and servicing of mortgage loans has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 F.R. 22402 (1977)). The time for filing comments and views has expired, and the Board has considered the appli-

[1] Company itself does not make mortgage loans in its own name but rather operates as a middleman, on a fee basis, connecting borrowers and lenders.

cation and all comments received, including those of State Savings Bank, Frankfort, Michigan, Frankfort, Michigan, and Northwestern Savings and Loan Association, Traverse City, Michigan, ("Protestants"), in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843 (c)(8)).

Applicant, the largest banking organization in Michigan, controls six banks, with total deposits of approximately $5.1 billion, representing approximately 15.8 percent of the total deposits in commercial banks in the State.[2] Company has total tangible assets valued at approximately $15,000. Applicant proposes to acquire these assets, lease the premises currently utilized by Company, and employ Company's two officers.

Company's sole office is located in Traverse City. Its activities are limited to that of a mortgage broker as it does not have the capability of servicing a mortgage portfolio and does not have the capital to qualify as an FHA-Approved Mortgagee. Thus, Company must be regarded as a relatively insignificant competitor in the relevant geographic market.[3] Applicant has no subsidiaries located in this market and its closest office is approximately 130 air miles south of Traverse City. No existing competition would be eliminated by the proposed transaction, and in view of Company's size, the Board regards the acquisition of Company as a foothold entry by Applicant into this market.

Protestants contend, however, that Applicant's acquisition of Company will lead to unsound banking practices and decreased or unfair competition because the mortgage needs of the relevant market presently are overserviced and there is no need for additional competitors, particularly an additional competitor of Applicant's size. There is little demand for the low down payment mortgage loans Applicant proposes to emphasize, according to Protestants. Consequently, Protestants believe, Applicant will be required to offer conventional mortgages at lower interest rates than those presently charged by other lenders in the market even though the market's interest rate for such loans is already quite competitive. Applicant's prospects for success are thus marginal, Protestants state, and other financial intermediaries in the market could be endangered by Applicant's entry.

It appears that the needs of the market are not being adequately served with regard to FHA and VA residential mortgage loans.[4] Applicant proposes to use Company's presence in the market to originate and service these types of mortgages. NBD, which currently services a mortgage portfolio of approximately $1 billion, appears to have the financial and managerial resources and business relationships with other lenders to facilitate such an expansion of Company's services, particularly in view of the fact that NBD's mortgage activities are also concentrated in the areas of FHA, VA and privately insured low down payment residential mortgage loans.

The enhancement of Company's ability to provide those services and the addition of mortgage banking to Company's activities will be similar in effect to the creation of an additional competitor in the market in view of Company's small size. Although any such entry into a market involves some measure of risk, the Board is unable to conclude that any risks associated with this proposal, either for Applicant or Protestants, vary substantially from those normally associated with such transactions.

On balance, Applicant's acquisition of Company would not have significant adverse effects on either existing or potential competition. Indeed, it is expected that the proposed transaction will be procompetitive and that the additional services Applicant will provide to the market will represent a significant public benefit.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to authority hereby delegated.

By order of the Board of Governors,[5] effective July 5, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19910 Filed 7-11-77;8:45 am]

[2] Banking data are as of June 30, 1976.

[3] There is insufficient data to define a mortgage brokerage market in the Traverse City area for the type of loans currently brokered by Company. However, the origination of 1-4 family mortgage loans provides a reasonable approximation of this market. The relevant geographic market for such originations is approximated by Grand Traverse and Leelanau Counties, Michigan.

[4] The Veterans Administration offers direct loans in Grand Traverse and Leelanau Counties on the basis of its determination that they are areas in which private funds are not available for the making of VA loans.

[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

PLATTE VALLEY BANCORP.

Formation of Bank Holding Company

Platte Valley Bancorporation, Saratoga, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Saratoga Bancshares, Inc., and its sole banking subsidiary, Saratoga State Bank ("Bank"), both located in Saratoga, Wyoming. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Platte Valley Bancorporation, Saratoga, Wyoming, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the insurance agency activities engaged in by Saratoga Bancshares, Inc., at the location of Bank in Saratoga, Wyoming. Notice of the application was published on June 16, 1977, in The Saratoga Sun, a newspaper circulated in Saratoga, Wyoming.

Applicant states that it would engage in acting as agent for the sale of credit life and credit accident and health insurance related to extensions of credit by Bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 3, 1977.

Board of Governors of the Federal Reserve System, July 6, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19911 Filed 7-11-77;8:45 am]

WINTERS NATIONAL CORP.

Order Approving Acquisition of Mead Financial Services, Inc.

Winters National Corporation, Dayton, Ohio, a bank holding company within the meaning of the Bank Holding Com-

pany Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire indirectly through its wholly-owned subsidiary, Winters National Leasing Corp., all of the outstanding stock of Mead Financial Services, Inc., Dayton, Ohio ("MFS"), a company that engages in the activity of leasing personal property (primarily heavy logging equipment) on a full-payout basis. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 FR 22936 (1977)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the eleventh largest banking organization in Ohio, controls two banks with aggregate deposits of $859.6 million representing 2.6 percent of the total deposits in commercial banks in the State.[1] Applicant has two nonbanking subsidiaries engaged in credit life and disability reinsurance activities and leasing activities, respectively.

MFS (total assets of $1.8 million as of December 31, 1976) is a wholly-owned subsidiary of the Mead Corporation, Dayton, Ohio, a multi-national manufacturer of paper and paper-related products. Since its inception in 1972, MFS has operated exclusively for the purpose of leasing logging equipment to the Mead Corporation on a full-payout basis. The Mead Corporation, in turn, subleases the equipment on a full-payout basis to independent logging contractors who supply the Mead Corporation's paper milling operations with logs in five States.

Although Applicant's subsidiaries engage in leasing activities already, it does not appear that any significant existing competition would be eliminated as a result of this acquisition because MFS's leasing activities are small in scale and limited in scope. MFS is not likely to develop into an active general competitor in the leasing industry, since it appears that if the Mead Corporation were to retain control of MFS, it would continue to limit MFS's operations and would not expend the resources necessary to develop an experienced leasing staff at MFS. Although Applicant possesses the legal authority and the financial capability to lease logging equipment, it is not likely to commence this type of leasing on a de novo basis because demand for this type of leasing appears limited. Thus, it appears that no significant competition presently exists or would develop between MFS and Applicant. Accordingly, the Board finds that Applicant's acquisition of MFS would not have any significant effect upon existing or future competition.

It appears that consummation of this proposal would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Applicant would operate MFS as a subsidiary of its existing leasing subsidiary and MFS would continue to service the Mead Corporation's requirements, thereby insuring the continued availability of subleasing arrangements to Mead Corporation's logging contractors. As an affiliate of Applicant, MFS would be able to obtain lower cost capital and could enable the Mead Corporation to offer Mead Corporation's logging contractors a greater variety of subleasing terms and conditions. In the Board's judgment, any competition between Applicant and MFS that would be eliminated as a result of this proposal is outweighed, under the circumstances, by the public benefits that will result from MFS's affiliation with Applicant.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland, pursuant to authority hereby delegated.

By order of the Board of Governors,[2] effective July 6, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19912 Filed 7-11-77;8:45 am]

[1] All banking data are as of December 31, 1976.

[2] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns and Governor Lilly.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. G-31]

CONSERVATION OF MOTOR VEHICLE FUELS

Guidelines

1. Purpose. This regulation prescribes guidelines to be followed to conserve fuel in Government-owned or -operated motor vehicles.

2. Effective date. This regulation is effective July 12, 1977.

3. Expiration date. This regulation expires December 31, 1977, unless sooner revised or superseded.

4. Applicability. The provisions of this regulation apply to all executive agencies. Other Federal agencies are urged to establish similar guidelines to ensure that maximum benefits may be realized in conserving fuel in Government-owned or -operated motor vehicles.

5. Background. The President has recently presented a comprehensive energy conservation plan for nationwide action to substantially reduce consumption of petroleum products and other energy resources. It is essential that the executive branch of the Government take the initiative which will result in fuel conservation. While there are many measures which may be adopted to contribute to the President's program, it is pertinent to begin with specific steps that will result in motor vehicle fuel conservation. As additional fuel conservation measures are developed and proven effective; they will be appropriately implemented for motor vehicles of the Federal fleet.

6. General. In the interest of promoting increased efficiency and economy in the use of Government-owned or -operated motor vehicles and in furtherance of the President's announced energy conservation objectives, it is imperative that executive agencies establish stringent programs which will ensure achievement of the reduced motor vehicle fuel consumption objectives. Certain actions, such as those prescribed in paragraph 7, are necessary if the conservation goals are to be met.

7. Motor vehicle fuel conservation guidelines. Agency heads shall ensure that the following guidelines are adopted in connection with motor vehicle operation.

a. Do not idle engine for long periods of time. Limit idle time to no more than 1 minute when the vehicle is parked.

b. Reduce motor vehicle travel to the maximum extent practicable without jeopardizing essential business.

c. Use the smallest vehicle that is feasible for the job.

d. Maintain tire pressure to tire manufacturer's recommendations. Check pressure at least once each week.

8. Effect on other issuances, GSA Bulletin FPMR G-99, dated August 29, 1974, is canceled.

JOEL W. SOLOMON,
Administrator of General Services.

JUNE 29, 1977.

[FR Doc.77-19876 Filed 7-11-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY SCHOOL AID ACT

Closing Date for Receipt of Applications for the Special Projects Program

Under the authority of section 708(a)(2) of the Emergency School Aid Act

("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)), the Commissioner invites applications for Special Projects assistance from local educational agencies which adopted desegregation plans (or other plans described in section 706(a) of the statute) for initial implementation in the 1977-78 school year and which have not previously applied for ESAA assistance based on those plans.

The Commissioner has determined that projects to meet needs arising from the implementation of the plans described above will make substantial progress toward achieving the purposes of the statute.

Applications must be received by the U.S. Office of Education Application Control Center in Washington, D.C. on or before August 19, 1977.

A. APPLICATIONS SENT BY MAIL

Applications sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202; Attention: 13.532B.

An application sent by mail will be considered to have been received on time if:

(1) The application was sent by registered or certified mail not later than August 15, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

Hand delivered applications must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity Programs, Room 2017, 400 Maryland Avenue SW., Washington, D.C. 20202.

D. PROGRAM INFORMATION

It is anticipated that $14,000,000 will be awarded to support projects submitted in response to this notice.

E. PROJECT PERIODS

Grant awards made pursuant to this notice will be for projects beginning no earlier than October 1, 1977, and ending no later than June 30, 1978.

F. RESUBMITTED APPLICATIONS

As required by section 710(d)(2) of the Emergency School Aid Act (20 U.S.C. 1609(d)(2)), applications from local educational agencies which are not approvable in whole or in part will be returned to applicants for modification and resubmission, within a reasonable period of time, at the applicant's option.

G. APPLICABLE REGULATIONS

Grant awards made pursuant to this notice will be subject to the following regulations:

(1) Regulations relating generally to programs under the Emergency School Aid Act (45 CFR Part 185) and in particular 45 CFR 185.94 through 185.94-4, relating to Other Special Projects; and

(2) The Office of Education General Provisions regulations (45 CFR 100, 100a and appendices), except to the extent that those regulations are inconsistent with 45 CFR Part 185.

(Catalog of Federal Domestic Assistance Number 13.532, Emergency School Aid-Special Projects.)

(20 U.S.C. 1601-1619.)

Dated: July 7, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-19885 Filed 7-11-77;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Meeting

AGENCY: National Advisory Council for Career Education, HEW/OE.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the National Advisory Council for Career Education. It also describes the functions of the Council. Notice of the meeting is required by the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: August 1-2, 1977. August 1—9 a.m.-4 p.m.; August 2—9 am.-3 p.m.

ADDRESS: Federal Office Building No. 6 (FOB No. 6)—Room 3000, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert D. Bhaerman, Office of Education, Office of Career Education, Room 3100—ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202. (202-245-2547).

SUPPLEMENTARY INFORMATION: The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, Pub. L. 93-380 (88 Stat. 552, 553.). The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406.

The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curriculae and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public. The meeting on August 1 will begin at 9 a.m. and end at 4 p.m.; August 2 the meeting will begin at 9 a.m. and end at 3 p.m. The meeting will be held at the Office of Education, Federal Office Building No. 6 (FOB No. 6), located at 400 Maryland Avenue SW., Room 3000, Washington, D.C. 20202.

The proposed agenda includes:

(1) Panel Discussion on Career Education Related Activities From Other Agencies in USOE/DHEW: Community Education, Cooperative Education, Consumer Education.
(2) Presentation on the ERIC Clearinghouse for Career Education.
(3) Report on Supportive Activities and Public Information.
(4) Progress Reports and Discussion of Activities of NACCE Task Forces.
(5) Relationship of Research and Development in the NIE/OCE.
(6) Plans for Next Year's Activities.
(7) Legislative Subcommittee Report.
(8) Progress Report on Activities of the Chair—and other Business Matters.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of Career Education located at 7th and D Streets SW., Room 3100, ROB No. 3, Washington, D.C. 20202.

Signed at Washington, D.C., on July 7, 1977.

JOHN LINDIA,
Delegate, National Advisory Council for Career Education.

[FR Doc.77-19834 Filed 7-11-77;8:45 am]

Food and Drug Administration

[Docket No. 76N-0274; DESI 5798]

ABSORBABLE STARCH SPONGES

Opportunity for Hearing on Proposal To Withdraw Approval of a New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Director of the Bureau of Drugs, FDA, proposes to withdraw ap-

proval of the new drug application for absorbable starch sponges on the basis of a lack of substantial evidence of effectiveness for all indications and offers an opportunity for hearing on the proposal.

DATES: Hearing requests on or before August 11, 1977. In support of any such request, all data and information relied upon to justify a hearing and any other comments from interested persons must be submitted on or before September 12, 1977.

ADDRESSES: Requests for hearing, supporting data and information, and other comments shall be submitted, with FDA Docket No. 76-0274 and DESI 5798 clearly indicated in the filings, to the FDA Hearing Clerk, Rm 4-65, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 5798) published in the FEDERAL REGISTER of May 22, 1971 (36 FR 9338), the Food and Drug Administration (FDA) announced its conclusion that the drug products listed below are probably effective for use as hemostatic adjuncts and lacking substantial evidence of effectiveness for other labeled indications. No data have been submitted and the drugs are reclassified as lacking substantial evidence of effectiveness for all of their indications. This notice announces that conclusion and proposes to withdraw approval of the product.

NDA 8-655; Solusponge Strips and Cones containing absorbable starch sponge; formerly marketed by Panray Division, Ormont Drug and Chemical Co., Inc., 520 S. Dean St., Englewood, NJ 07631.

Other drugs included in the May 22, 1971 notice are not affected by this notice.

On the basis of all of the data and information available to him, the director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 11, 1977, a written notice of appearance and request for hearing, and (2) on or before September 12, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, (address given above).

These submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 26, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19619 Filed 7-11-77;8:45 am]

[Docket No. 76N-0325; DESI 3265]

CERTAIN ANTICHOLINERGIC DRUGS

Rescission of Parts of Followup Notice and Opportunity for Hearing Pertaining to Darbid Tablets and Cantil Tablets and Liquid

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice rescinds portions of a previous notice of opportunity for hearing for Darbid Tablets for the indication "as adjunctive therapy in the irritable bowel syndrome," and for Cantil Tablets and Liquid for that indication and, in addition, the indication "as an adjunct in the treatment of diarrheas." Data concerning the effectiveness of the products for those indications had been submitted and are now under review. The previous notice stated that no data had been submitted.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 3265) published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15468), the Director of the Bureau of Drugs offered an opportunity for hearing on indications reclassified as lacking substantial evidence of effectiveness for the following drugs:

NDA 10-744; Darbid Tablets containing isopropamide iodide; Smith Kline & French Laboratories, Division of Smith-Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

That part of NDA 10-679 pertaining to Cantil Tablets and Liquid containing mepenzolate bromide; Merrell-National Laboratories, Division Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215.

Other drugs included in that notice are not affected by this notice.

The notice stated that no data concerning effectiveness for the above drug products for their less-than-effective indications had been submitted pursuant to the initial DESI notice published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11754). However, data had been submitted concerning those products and are under review. The data for Darbid concerns the indication "for use as adjunctive therapy in the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis, acute enterocolitis, and functional gastrointestinal disorders)." The data for Cantil concerns that indication and also the indication "for use as an adjunct in the treatment of diarrheas." Therefore, those portions of the March 22, 1977 notice dealing with NDA's 10-679 and 10-744 are hereby rescinded insofar as they concern the indications for which data were submitted. This rescission does not apply to the other less-than-effective indications referred to in that notice. After the data submitted have been reviewed, another notice will be published in the FEDERAL REGISTER announcing the Director's conclusions.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.32) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 27, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19620 Filed 7-11-77;8:45 am]

[Docket No. 76N-0157; DESI 4A]

HYDROXYAMPHETAMINE HYDROBROMIDE TABLETS

Withdrawal of Approval of Pertinent Part of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of part of a new drug application pertaining to hydroxyamphetamine hydrobromide tablets on the basis of lack of substantial evidence of effectiveness for its labeled indications. The drug has been used for postural hypotension and heartblock.

DATES: Effective July 22, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 4A and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drug, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs HFD-32, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3650)).

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of December 7, 1976 (41 FR 53542), the Director of the Bureau of Drugs offered an opportunity for hearing on a proposal to issue an order withdrawing approval of the following product.

That part of NDA 0-004 pertaining to Paredine Tablets containing hydroxyamphetamine hydrobromide; formerly marketed by Smith Kline and French Laboratories, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

All drug products that are identical, related, or similar to the drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific drug product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82) (recodificaiton published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of that part of new drug application No. 0-004 providing for the drug product named above, and all amendments and supplements applying thereto, is withdrawn, effective July 22, 1977.

Shipment in interstate commerce of the above product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: June 29, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19622 Filed 7-11-77;8:45 am]

[Docket No. 76N-0359; DESI 5793]

OXIDIZED CELLULOSE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice (1) reclassified oxidized cellulose products as effective for use as hemostatic adjuncts and lacking substantial evidence of effectiveness for its other indications, (2) sets forth the conditions for marketing for the effective indication, and (3) offers an opportunity for a hearing concerning indications lacking substantial evidence of effectiveness.

DATES: Hearing requests due on or before August 11, 1977. Supplements to approved NDA's due on or before September 12, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 5793, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Admin-

istration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug application (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Public Records and Document Center (HFC–18), Rm. 4–62.

Request for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301–443–3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 5798) published in the FEDERAL REGISTER of May 22, 1971 (36 FR 93338), the Food and Drug Administration (FDA) announced its conclusion that the drugs listed below are probably effective for use as hemostatic adjuncts and possibly effective for their other labeled indications. In response to the notice, Johnson & Johnson submitted a number of reprints of journal articles and other information to support effectiveness of oxidized cellulose as a hemostatic adjunct. On the basis of evaluation of those data and reconsideration of the reports of the National Academy of Sciences-National Research Council, FDA concludes that the oxidized cellulose products are effective as hemostatic adjuncts. This notice sets forth the conditions for marketing the drugs for the indication now regarded as effective and offers an opportunity for a hearing concerning indications lacking substantial evidence of effectiveness. Other products included in the May 22, 1971 notice are composed of absorbable starch sponge and are not affected by this notice.

Accordingly, the previous notice is amended to read as follows insofar as it concerned the oxidized cellulose products.

1. NDA–798; Oxycel Cotton, Gauze, or Foley Cone, each containing oxidized cellulose; Parke, Davis, & Co., Joseph Campau Ave., at the River, Detroit, MI 48232.

2. NDA 12–159; Surgical Absorbable Hemostat, containing oxidized cellulose; Johnson & Johnson, 501 George St., New Brunswick, NJ 08903.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that: 1. The drugs are effective for use as hemostatic adjuncts.

2. The drugs lack substantial evidence of effectiveness for all their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in sterile dressing form suitable for topical of local administration in surgical procedures.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal Law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For surgical procedures to assist in the control of capillary, venous, and small arterial hemorrhage when ligation or other conventional methods of control are impractical or ineffective.

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that, on or before September 12, 1977, the holder of the application submits (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current containing labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 11, 1977, a written notice of appearance and request for hearing, and (2) on or before September 12, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substanial evidence of effectiveness referred to in paragraph A.2. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate with the Hearing Clerk (address given above). These submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 26, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19618 Filed 7-11-77;8:45 am]

[Docket No. 77N-0183; DESI 8867]

SYROSINGOPINE TABLETS

Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for syrosingopine tablets on the basis of lack of substantial evidence of effectiveness. The drug has been used as a antihypertensive agent.

DATES: Effective July 22, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 8867 and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 8867; Docket No. FDC-D-256 (now Docket No. 77N-0183)) published in the FEDERAL REGISTER of May 23, 1974 (39 FR 18126), the Director of the Bureau of Drugs offered an opportunity for hearing on a proposal to issue an order withdrawing approval of the following drug product, based upon the lack of substantial evidence of effectiveness.

NDA 11-565; Singoserp Tablets containing syrosingopine; previously marketed by Ciba Pharmaceutical Co., Division Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

All drug products that are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance address given above.

Neither the holder of the new drug application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore pursuant to the foregoing finding, approval of new drug application No. 11-565, and all amendments and supplements applying thereto, is withdrawn effective July 22, 1977.

Shipment in interstate commerce of the above product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: June 27, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19623 Filed 7-11-77;8:45 am]

[Docket No. 77N-0027; DESI 12753]

THIETHYLPERAZINE MALEATE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice sets forth the conditions for marketing thiethylperazine maleate for the indication for which it continues to be regarded as effective and offers an opportunity for a hearing concerning the indication reclassified as lacking substantial evidence of effectiveness. The drug is used for the relief of nausea and vomiting.

DATES: Hearing requests due on or before August 11, 1977. Supplements to approved NDA's due on or before September 12, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 12753, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD–120), Rm. 10B–34, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Documents Center (HFC–18), Rm. 4–62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 12753) published in the FEDERAL REGISTER of October 28, 1971 (36 FR 20708), the Food and Drug Administration announced its conclusions that the drug products described below are (1) effective for use as adjunctive treatment in the relief of nausea and vomiting, and (2) possibly effective for the treatment of vertigo. Data submitted in response to that notice were inadequate to provide substantial evidence of the drug's effectiveness for the possibly effective indication. That indication is now reclassified as lacking substantial evidence of effectiveness.

NDA 12753; Torecan Tablets; and

NDA 12754; Torecan Injection, both containing thiethylperazine maleate; Sandoz Pharmaceuticals, Division of Sandoz, Inc., P.O. Box 11, East Hanover, NJ 07936.

On September 14, 1972, Sandoz Pharmaceuticals submitted results of one clinical study by one investigator on thiethylperazine maleate tablets for the vertigo indication. The study was determined to be adequate and well controlled and to be supportive of effectiveness for that indication. In a letter of May 10, 1974, Sandoz Phamaceuticals was informed that a second study is required in order to determine whether the results of the first study are replicable. Protocols for an additional study were submitted but no data have been received, and the possibly effective indication is now reclassified to lacking substantial evidence of effectiveness.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indication in the labeling conditions below. The drug products now lack substantial evidence of effectiveness for the indication classified as possibly effective in the October 28, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug products are in tablet form suitable for oral administration or in sterile aqueous solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription".

b. The drug products are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows: Adjunctive treatment for the relief of nausea and vomiting.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before September 12, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is aware of only one adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice. A second study should have been submitted to determine whether the results of the first are replicable.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR

310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 11, 1977, a written notice of appearance and request for hearing, and (2) on or before September 12, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 27, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19621 Filed 7-11-77;8:45 am]

[Docket No. 77D-0154]

GUIDELINE FOR INSECT AND RODENT FILTH IN WHEAT

Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the availability of a revised administrative guideline for insect and rodent filth in wheat. The administrative guideline, developed by FDA's Bureau of Foods, is used as a basis for recommending regulatory action.

ADDRESS: Copies available from the office of Assistant Commissioner for Professional and Consumer Programs (HFG–1), 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF–312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW, Washington, DC 20204 (202–245–3092).

SUPPLEMENTARY INFORMATION: The previous guideline for insect and rodent filth in wheat was established in 1956. Since that time, warehouse facilities have been improved and advances have been made in techniques for rodent and insect control. These advances permit revision of the guideline to reduce the amount of filth in food without unduly disrupting the nation's food supply. As relevant technology changes, this guideline will be updated to reflect current policy as it relates to wheat.

The guideline for insect-damaged wheat is changed from "1% by weight of insect damaged kernels" to "32 or more insect damaged kernels per 100 g." The Food and Drug Administration estimates that the new guideline may increase the proportion of lots of wheat rejected for insect damage from 1.6 percent under the former guideline to 2.3 percent under the revised guideline. For contamination of wheat by rodent filth, the guideline is changed from "1 rodent excreta pellet per pint" to "9 mg or more of rodent excreta pellets and/or fragments of rodent excreta pellets per kg," the equivalent of approximately 0.4 mouse excreta pellets per pint. The new guideline may increase the proportion of lots of wheat rejected for contamination by rodent filth from 0.8 percent under the former guideline to 3.5 percent under the new guideline. In many cases, wheat that has been rejected due to contamination by insect or rodent filth may be used as animal feed or may be reconditioned.

Copies of this revised guideline are available for public examination in the office of the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Written requests for single copies may be made to the office of the Assistant Commissioner for Professional and Consumer Programs (HFG–1), 5600 Fishers Lane, Rockville, MD 20857.

Dated: June 30, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-19544 Filed 7-11-77;8:45 am]

[Docket No. 76P-0238]

TOMATO JUICE DEVIATING FROM IDENTITY STANDARD

Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces that a temporary permit has been issued to Keystone Foods, Inc., to market test tomato juice from concentrate.

EFFECTIVE DATE: This permit is effective for 15 months, beginning on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than October 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF–402), 200 C St. SW., Washington, DC 20204 (202–245–1231).

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) (formerly 21 CFR 10.5 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to Keystone Foods, Inc., 63 Wall St., North East, PA 16428. This permit covers interstate marketing tests of tomato juice that deviates from the standard of identity prescribed in § 156.145 (21 CFR 156.145) (formerly 21 CFR 53.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). This permit provides for the temporary marketing of 50,000 cases of twelve 46-ounce cans, 25,000 cases of

twelve 32-ounce cans, and 10,000 cases of forty-eight 5½-ounce cans in the States of Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

The test product will be manufactured in the Keystone Foods, Inc., plant located in North East Pennsylvania. The product to be temporarily marketed has been prepared from concentrated tomato liquid complying with the requirements of § 155.191(a)(1) (21 CFR 155.-191(a)(1)) (formerly 21 CFR 53.30(a)(1) prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), water, and salt. The finished product will be equivalent to a single-strength tomato juice normally found in the marketplace.

The principal display panel of the labels will declare the product name as "Tomato Juice From Concentrate". Each of the ingredients used will be declared on the label as required by the applicable sections of Part 101 (formerly 21 CFR Part 1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). The tomato ingredient complying with the requirements of § 155.191(a)(1) will be declared as "tomato concentrate".

Dated: June 30, 1977.

JOSEPH P. HILO,
Associate Commissioner for Compliance.

[FR Doc.77-19543 Filed 7-11-77;8:45 am]

National Institutes of Health

REPORT ON CARCINOGENESIS BIOASSAY OF PROFLAVINE

Availability

Proflavine has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of the carcinogenicity of proflavin monohydrochloride hemihydrate was conducted using Fischer 344/CR rats and B6C3F1 mice. The compound was administered in the diet at concentrations of 300 and 600 ppm to groups of 50 rats for 109 weeks and at concentrations of 200 and 400 ppm to groups of 50 mice for 104 weeks. The animals were subjected to necropsy and histopathologic evaluation as they died or at the end of their periods of treatment.

Average weights attained by high-dose groups were consistently lower than those of control groups; weights of low-dose groups showed essentially no differences from those of the controls. Survival rates of the treated rats and mice did not differ from those of the controls except for a lower rate among the female mice.

Five malignant neoplasms of the intestinal tract consisting of three leiomyosarcomas of the small intestine, a sarcoma near the colon area, and an adenocarcinoma of the small intestine were observed in five of the high-dose male rats. None were observed in other treatment or control groups. If these five intestinal neoplasms are considered together, they are significant at the $P=0.026$ level using the Fischer exact test. A positive dose-related trend ($P=0.034$) was also present for the three leiomyosarcomas.

The observed incidence of hepatocellular carcinoma in female mice was 4/50 (8 percent) in the control group, 20/49 (41 percent) in the low-dose group, and 22/50 (44 percent) in the high-dose group. The test for dose-related trend showed a level of significance of $P<0.001$. In male mice, the observed incidence of hepatocellular carcinoma was 20/49 (41 percent) in the control group 28/49 (57 percent) in the low-dose group, and 30/50 (60 percent) in the high-dose group. The dose-related trend was significant at $P=0.057$, and the high dose was significant at $P=0.044$.

The unusually high incidence of hepatocellular carcinomas and hemangiosarcomas in control male mice and the unusually high incidence of malignant lymphomas in all groups of female mice in conjunction with the fact that a positive-control carcinogen was tested in the same room with these animals raise a question of the validity of these bioassay results.

Dated: June 22, 1977.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

[FR Doc.77-19267 Filed 7-11-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-77-778]

HARBOR VIEW

Hearing

In the matter of: Harbor View, River Bend Associates and Wallace Tanner, Vice President, Respondent; OILSR No. 0-00146-02-24, Docket No. 77-71-IS.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b).

Notice is hereby given that: 1. Harbor View, River Bend Associates and Wallace Tanner, Vice President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing dated June 6, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b); 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Harbor View located in Mohave County, Arizona, contain untrue statements of material fact or omit to state material fact required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 17, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7143, Department of HUD, 451 Seventh Street, SW., Washington, D.C. on September 7, 1977 at 10:00 a.m.

5. The following time and procedure is applicable to such hearings: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before August 2, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant at 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: June 29, 1977.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc.77-19722 Filed 7-11-77;8:45 am]

[Docket No. N-77-777]

RIVER BEND

Hearing

In the matter of: River Bend, Steiger and Rathke Development Co., Inc. and Wallace Tanner, Vice President, Respondent; OILSR No. 0-00169-02-28, Docket No. 77-79-IS.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b)

Notice is hereby given that: 1. River Bend, Steiger and Rathke Development Co., Inc. and Wallace Tanner, Vice President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing dated June 6, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land

Sales Registration showing that the Statement of Record and Property Report for River Bend, located in Mohave County, Arizona, contain untrue statements of material fact or omit to state material fact required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 17, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7143, Department of HUD, 451 Seventh Street, SW., Washington, D.C. on September 7, 1977 at 2:00 p.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before August 2, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: June 29, 1977.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-19722 Filed 7-11-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

LASSEN VOLCANIC NATIONAL PARK

Draft General Management Plan; Intent

Notice is hereby given that the National Park Service will hold a series of six public meetings in California the first week of August 1977 to receive comments on the draft General Management Plan and Environmental Statement for Lassen Volcanic National Park, California. The meeting dates, locations and times are as follows:

August 1, 1977, Chico, Calif., 7:30 p.m., Art Center, Silver Dollar Fairground.

August 2, 1977, Susanville, Calif., 7:30 p.m., Student Center, Lassen High School.

August 3, 1977, Mineral, Calif., 7:30 p.m., Auditorium, Elementary School.

August 4, 1977, Redding, Calif., 7:30 p.m., Room 400, Theater Bldg., Shasta Community College, 1065 N. Old Oregon Trail.

August 5, 1977, Red Bluff, Calif., 7:30 p.m., Auditorium, Tehama County Fairgrounds.

August 6, 1977, San Francisco, Calif., 2 p.m., Headquarters, Golden Gate National Recreation Area, Bldg. 201, Fort Mason.

One hour prior to the beginning of each meeting National Park Service officials will be at the meeting locations to answer questions or explain details of the plan.

Concurrent with the public meetings the National Park Service will consult with various Federal, State and local government agencies, individuals and organizations on the draft General Management Plan and its Environmental Statement.

The purpose of these meetings and consultations is to provide for wide citizen participation through which the Service will receive ideas, suggestions and comments from the public in formulating the General Management Plan for Lassen Volcanic National Park.

The record will remain open until September 6, 1977, during which time written comments will be reviewed and considered.

Anyone wanting copies of the draft General Management Plan, draft Environmental Statement and a planning supplement, additional information on the public meetings, or on the National Park Service planning process, or those wishing to submit comments on the documents may write to the Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96093.

Dated: June 21, 1977.

HOWARD H. CHAPMAN,
Regional Director, Western Region, National Park Service.

[FR Doc.77-19868 Filed 7-11-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 1, 1977. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 22, 1977.

ROBERT B. RETTIG,
Acting Keeper of the National Register.

ARIZONA

Yavapai County

Camp Verde, *Fort Verde Historic District*, (boundary change).

ARKANSAS

Ashley County

Hamburg, *Watson House*, 300 N. Cherry St.

Clark County

Arkadelphia, *Flanagin Law Office*, 320 Clay St.

Clay County

Piggott, *Pfeiffer Barn*, 10th and Cherry Sts.

Hot Spring County

Saginaw vicinity, *Morrison Plantation Smokehouse*, SR 1.

Social Hill, *Adkins, Homer, House.*

Jackson County

Jacksonport vicinity, *Hickory Grove Church and School*, SR 1.

Newport, *Empie-Van Dyke House*, 403 Laurel St.

Jefferson County

Pine Bluff, *Trulock-Gould-Mullis House*, 704 W. Barraque St.

Lee County

Marianna, *McClintock House*, 82 W. Main St.

Pulaski County

Little Rock *Ish House*, 1600 Scott St.

Little Rock, *Little Rock High School*, 14th and Park Sts.

Little Rock, *Riverfront Commercial Historic District*, roughly bounded by Arkansas River on N, US 30 on E, AR 10 on S, and Main St. on the W.

North Little Rock, *Old Central Fire Station*, 506 Main St.

Saline County

Benton, *Walton, Dr. James Wyatt, House*, 301 W. Sevier St.

Van Buren County

Fairfield Bay, *Lynn Creek Shelter.*

Washington County

Fayetteville, *Heerwagen House*, 338 Washington Ave. N.

Springdale, *Shiloh Historic District*, Roughly bounded by Shiloh, Rhodes, Emma, and Commerce Sts.

CALIFORNIA

Mariposa County

Wawona, *Hodgdon Homestead Cabin*, Pioneer Yosemite History Center, Yosemite National Park.

San Bernardino County

Needles vicinity, *Topock Maze Archeological Site*, 13 mi. SE of Needles in Havasu National Wildlife Refuge.

ILLINOIS

Cook County

River Forest, *River Forest Historic District*, Most of the Village of River Forest between Harlem, Chicago Ave., Lake St. and the Des Plaines River, with 2 extensions N of Chicago St. and S of Lake St.

Winnebago County

Rockton, *Rockton Historic District*, Much of the Village of Rockton between River, Warren, Cherry (Ferry) and West Sts.

INDIANA

Hancock County

Greenfield, *Riley, James Whitcomb, Birthplace*, 250 W. Main St.

Vanderburgh County

Evansville, *Carpenter, Willard, House,* 405 Carpenter St.

Wayne County

Hagerstown, *Hagerstown I.O.O.F. Hall,* Main and Perry Sts.

KENTUCKY

Jefferson County

Anchorage, *Citizens National Life Insurance Building,* 100 Park Rd.

Louisville, *Churchill Downs,* 700 Central Ave.

MARYLAND

Baltimore (independent city)

Belvedere Hotel, 1 E. Chase St.

Caroline County

Federalsburg, *Exeter,* N of Federalsburg on MD 630.

Frederick County

Point of Rocks vicinity, *St. Paul's Episcopal Church,* Ballenger Creek Rd., W of MD 464.

Washington County

Hagerstown, *16–22 East Lee Street.*

MISSISSIPPI

Panola County

Como vicinity, *Fredonia Church,* 6 mi. E of Como on Old Union Rd.

NEBRASKA

Douglas County

Omaha, *Webster Telephone Exchange Building,* 2213 Lake St.

NEW JERSEY

Somerset County

Nishanic, *Neshanic Mills,* Main Rd. and Mill Lane.

Sussex County

Stillwater vicinity, *Harmony Hill United Methodist Church,* N of Stillwater on Fairview Lake Rd.

RHODE ISLAND

Providence County

Central Falls, *Holy Trinity Church,* 134 Fuller Ave.

Providence, *North Burial Ground,* Between Branch Ave. and N. Main St.

Providence, *Pine Street Historic District,* Pine, Friendship, and adjacent cross sts.

Scituate, *Arnold, Dexter, Farmstead,* SR 1 (Chopmist Hill Rd.).

Washington County

Narragansett, *Narragansett Baptist Church,* S. Ferry Rd.

Westerly, *Main Street Historic District,* 113–123, 118–132 Main St.; 8, 7–13 School St., 10–14, 3–11 Maple St.

SOUTH DAKOTA

Brookings County

Volga, *Henry-Martinson House,* 405 Kasan Ave.

Volga, *Sundet, Jokum Olson, Log Cabin,* Volga City Park.

Brown County

Aberdeen vicinity, *Wylie Park Pavilion,* N of Aberdeen in Wylie Park.

Butte County

Belle Fourche, *Scotney, John Aaron, House,* 830 9th St.

Clay County

Alsen vicinity, *Anderson Homestead*

Edmunds County

Ipswich, *Ipswich Baptist Church,* Corner of Main St. and 3rd Ave.

Perkins County

Bison, *Carr, Anna, Homestead.*

Spink County

Ashton vicinity, *Norwood, James, Round Barn,* SE of Ashton on Snake Creek.

VERMONT

Addison County

Monkton, *Monkton Town Hall,* Monkton Ridge Rd.

Chittenden County

Burlington, *Old Ohavi Zedek Synagogue,* Archibald St., corner of Hyde St.

WISCONSIN

Dane County

Madison, *Lamp, Robert M., House,* 22 N. Butler St.

[FR Doc.77–19656 Filed 7–11–77;8:45 am]

Office of the Secretary

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on August 2, 1977, at the Denver Airport Hilton Inn, I–70 at the Peoria Street Exit in Denver, Colorado. The meeting will begin at 9 a.m. on Tuesday, August 2, in Conference Rooms A, B, and C and conclude at 5 p.m. that afternoon.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of this meeting is to review the Revised Detailed Development Plan for Colorado Lease Tract C-a, discuss the addendum to the C-a Lessee's Social and Economic Impact Statement, to receive reports from Interior officials and to consider any other matters which have come before the Panel.

The meeting is open to the public. It is expected that space will permit 100 persons to attend the meeting in addition to the panel members. Interested persons may make brief presentations to the panel or file written statements. Requests should be made to Mr. Henry O. Ash, Acting Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone No. 303–234–3275.

Further information concerning this meeting may also be obtained from Mr. Ash's office. Minutes of the meeting will be available for public inspection 30 days after the meeting at the panel office.

GUY R. MARTIN,
Assistant Secretary of the Interior.

JULY 7, 1977.

[FR Doc.77–19905 Filed 7–11–77;8:45 am]

OIL SHALE LEASE REVISED DETAILED DEVELOPMENT PLAN

Public Hearing

Pursuant to section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of the Revised Detailed Development Plan submitted May 25, 1977, for Oil Shale Tract C-a, Serial No. Colorado 20046.

Prior to commencing any operations under the Revised Detailed Development Plan on the leased lands, the lessees must obtain the approval of the Area Oil Shale Supervisor.

Notice is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tract C-a Revised Detailed Development Plan on the following dates and at the following locations:

JULY 26, 1977

U.S. Post Office, Room 269, Auditorium, 1823 Stout Street, Denver, Colorado 80225.

JULY 28, 1977

Library, McLaughlin Building, Colorado Northwestern Community College, Rangely, Colorado 81648.

Hearings at both locations will begin in the afternoon at 1 p.m., and continue until all present are heard, or 5 p.m., whichever comes first. In the evening, hearings at both locations will begin at 7 p.m. and continue until all present are heard or 10 p.m., whichever comes first.

Interested individuals, representatives of organiaztions and public officials wishing to appear at the hearings should contact the Office of the Area Oil Shale Supervisor, U.S. Geological Survey, 131 North 6th St., Grand Junction, Colorado, no later than July 22, 1977. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be received by the Office of the Area Oil Shale Supervisor, 131 North 6th St., Grand Junction, Colorado 81501, on or before August 8, 1977.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearings officer will give others present an opportunity to be heard.

Notice is also given that copies of the Tract C-a Revised Detailed Development Plan and related reports are available for public inspection during regular business hours at the following locations:

Area Oil Shale Office, Mesa Federal Savings & Loan Bldg., Grand Junction, Colorado
U.S. Geological Survey, Conservation Division, Central Region, Villa Italia, Denver, Colorado
U.S. Geological Survey, Conservation Division, Reston, Virginia
Oil Shale Environmental Advisory Panel, Bldg. 67, Denver Federal Center, Denver, Colorado
Mesa College Library, Grand Junction, Colorado
Mesa County Public Library, Grand Junction, Colorado
Montrose Regional Library, Montrose, Colorado
Delta Library, Delta, Colorado
Library, Department of the Interior, Main Interior Bldg., Washington, D.C.
Rangely Public Library, Rangely, Colorado
Meeker Public Library, Meeker, Colorado
Moffat County Library, Craig, Colorado
Garfield County Library, New Castle, Colorado
Colorado Mountain College Library, Glenwood Springs, Colorado
Glenwood Springs Public Library, Glenwood Springs, Colorado
Uintah County Public Library, Vernal, Utah
Rifle Public Library, Rifle, Colorado
Denver Public Library, Conservation Library, Denver, Colorado
Bureau of Land Management, 455 Emerson Dr., Craig, Colorado
Bureau of Land Management, Colorado State Office, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado
Bureau of Land Management, Wyoming State Office, Federal Center, 2120 Capitol Ave., Cheyenne, Wyoming
Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah
Salt Lake City Public Library, Salt Lake City, Utah
Colorado State Library, 1362 Lincoln, Denver, Colorado

GUY R. MARTIN,
Assistant Secretary of the Interior.

JULY 7, 1977.

[FR Doc.77-19906 Filed 7-11-77;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Converse Rubber Co. (company).	Charlotte, N.C.	June 22,1977	May 23,1977	TA-W-2,165	The shipping of footwear to the customer.
Do	Contoocook, N.H.	do	do	TA-W-2,166	Do.
Do	Elk Grove	do	do	TA-W-2,167	Do.
Do	Reno, Nev.	do	do	TA-W-2,168	Do.
General Electric Co. (workers).	Portsmouth, Va.	June 23,1977	June 15,1977	TA-W-2,169	Color and monochrome TV receivers.
Julius Goldstein Shoe Manufacturers, Inc. (workers).	Lynn, Mass.	June 22,1977	do	TA-W-2,170	Men's slippers.
U.S. Steel Corp. American Bridge Plant (United Steel Workers of America).	Commerce, Calif.	June 23,1977	May 15,1977	TA-W-2,171	Carbon steel, plate of various diameters and galvanized coated plates.

[FR Doc.77-19704 Filed 7-11-76;8:45 am]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 23, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Campo Slacks, Inc, (ACTWU).	Houtzdale, Pa.	June 27, 1977	June 21, 1977	TA-W-2,182	Men's, boys', and ladies' slacks.
General Foods, Inc. (Amalgamated Food & Allied Workers Union).	Hoboken, N.J.	June 24, 1977	June 17, 1977	TA-W-2,183	Instant, regular ground, freezed-dried, and decaffeinated coffee.
Long Branch Manufacturing Co. (workers).	Long Branch, N.J.	June 28, 1977	June 23, 1977	TA-W-2,184	Girls' and children's coats.
Reidbord Bros. Co. (workers).	Elkins, W. Va.	do	do	TA-W-2,185	Men's work shirts and trousers.

[FR Doc.77-19705 Filed 7-11-77;8:45 am]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Advent Corp. (workers)	Cambridge, Mass.	June 23, 1977	June 9, 1977	TA-W-2,172	TV's and stereo's.
Cone Mills Corp. (Machine Printers & Engravers Association).	Greensboro, N.C.	June 24, 1977	June 22, 1977	TA-W-2,173	Textile printing of cloth.
Genesco, Inc. (workers)	Cowan, Tenn.	do	June 15, 1977	TA-W-2,174	Ladies' dress and casual shoes.
Ladish Co. (International Association of Machinists & Aerospace Workers).	Cudahy, Wis.	do	June 22, 1977	TA-W-2,175	Pipe fittings, flanges, seamless pipes and ring rolls.
Normel Knitwear, Inc. (company).	New York, N.Y.	do	do	TA-W-2,176	Ladies' knitted sweaters.
P. & L. Sportswear (workers)	Boston, Mass.	do	June 21, 1977	TA-W-2,177	Ladies' garments.
Do	Brighton, Mass.	do	do	TA-W-2,178	Ladies' garments.
Rockwell International (United Steelworkers of America).	Hopedale, Mass.	do	May 23, 1977	TA-W-2,179	Textile machinery.
True Temper Corp. (United Steelworkers of America).	Dunkirk, N.Y.	do	May 6, 1977	TA-W-2,180	Hand shovels and spades.
TRW/IRC (I.U.E.)	Philadelphia, Pa. plants.	June 22, 1977	June 20, 1977	TA-W-2,181	Electronic components.

[FR Doc.77-19706 Filed 7-11-77;8:45 am]

CAST-IRON COOKWARE

Adjustment Assistance; Industry Study Report

On May 24, 1977, the International Trade Commission determined that increased imports of cast-iron cookware are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 28009).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on cast-iron cookware. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received one petition for certification of eligibility for adjustment assistance from workers engaged in the manufacture of cast-iron cookware. The Department is investigating this case and has not made a final determination.

2. The questionnaire survey of producers conducted by the Department of Labor has revealed that only one establishment engaged in the manufacture of cast-iron cookware has experienced substantial unemployment. Other firms in the industry, while reducing the number of workers engaged directly in the manufacture of cast-iron cookware, have maintained a constant or increasing overall employment level. Continued absorption of workers producing cast-iron cookware into other lines of production will decrease the potential for layoffs in the future. The Department estimates that approximately 25 workers laid off from plants producing cast-iron cookware during the past year may be eligible for adjustment assistance.

3. The unemployment rate in the county where the bulk of the unemployed workers are located was 7.0 percent, somewhat below the national average in February 1977. This factor and the urban nature of the impacted area make the prospects for reemployment fair.

4. The Comprehensive Employment and Training Act (CETA) programs appear to be capable of meeting the program claims of the displaced workers. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment

Assistance, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 (phone 202–523–7665).

Signed at Washington, D.C., this 7th day of July 1977.

HOWARD D. SALIUEL,
Deputy Under Secretary, International Affairs.

[FR Doc.77–19965 Filed 7–11–77;8:45 am]

[TA–W–2077]

MARYLAND MONOTYPE, LTD., WOODLAWN, MARYLAND

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–2077: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 18, 1977 in response to a worker petition received on May 18, 1977 which was filed on behalf of workers and former workers producing type galleys for printing presses at Maryland Monotype, Ltd., Woodlawn, Maryland.

The notice of investigation was published in the FEDERAL REGISTER on May 13, 1977 (42 FR 27691). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Maryland Monotype, Limited, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied a negative determination must be made.

Maryland Monotype, Ltd., was a wholly owned subsidiary of Jewelcor, Inc. The company printed mathematical and scientific books and journals. Maryland Monotype bid on printing work for other companies. They produced a "galley" of type and contracted the press work. A galley contains the type that is placed in a printing press. The company closed on January 28, 1977.

Maryland Monotype, Ltd. does not produce an article within the meaning of section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in "Pan American World Airways, Incorporated" (TA–W–153, 40 FR 54639). Maryland Monotype, Ltd., performed a service, printing for mathematical and scientific journals and books.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Maryland Monotype, Limited, Woodlawn, Maryland are not "articles" within the meaning of section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77–19960 Filed 7–11–77;8:45 am]

[TA–W–1687]

OHIO FERRO ALLOYS CORP., POWHATAN POINT, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1687: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 24, 1977, in response to a worker petition received on February 8, 1977, which was filed by The United Steel Workers of America on behalf of former workers producing silicon metal at the Powhatan Point, Ohio, plant of Ohio Ferro Alloys Corporation.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13092). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ohio Ferro Alloys Corporation, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard as to whether any of the other criteria have been met, criterion (2) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Plant employment of production workers declined 4.2 percent in 1975 compared to 1974 and increased 8.2 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant sales of silicon metal, in net tons, increased 13.3 percent in quantity and 13.2 percent in value in 1976 compared to 1975.

Plant production of silicon metal, in net tons, increased 13.1 percent in quantity and 20.2 percent in value in 1976 compared to 1975.

INCREASED IMPORTS

Imports of silicon metal increased from 15,300 short tons in 1972, to 23,836 short tons in 1973; declined each year to 6,802 short tons in 1975 and increased to 9,526 short tons in 1976.

CONTRIBUTED IMPORTANTLY

A sample representative of the plant's customers, accounting for over 58 percent of plant's sales of silicon metal in 1976, indicated that only one small customer increased purchases of imported silicon metal while decreasing purchases from the Powhatan Point plant.

CONCLUSION

After careful review of the facts obtained in the investigation it is concluded that sales or production of silicon metal at the Powhatan Point, Ohio, plant of Ohio Ferro Alloys Corporation have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc 77–19961 Filed 7–11–77;8:45 am]

[TA-W-1601]

PENSTEEL KMW, INC., BATAVIA, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1601: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 31, 1977, in response to a worker petition received on January 10, 1977, which was filed by workers formerly producing hydraulic shear machines and hydraulic cylinders at Pensteel KMW, Incorporated, Batavia, New York.

The notice of Investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8023). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Pensteel KMW, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated:

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales and production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that, with respect to hydraulic cylinders, criteria (3) and (4) have not been met, and, with respect to hydraulic shear machines, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 13 percent in 1976 compared to 1975. Employment of production workers at the Batavia plant ceased during December 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of all products declined 24.8 percent in 1976 compared to 1975. Sales of hydraulic cylinders declined 4.9 percent during this period, while sales of hydraulic shear machines declined 77.1 percent.

Production at the Batavia plant ceased during December 1976.

INCREASED IMPORTS

Imports of hydraulic shear machines increased in every year from 1972 to 1976. Imports increased from $1.8 million in 1972 to $3.7 million in 1975 and $5 million in 1976. Imports increased relative to domestic production from 6.7 percent in 1972 to 10.7 percent in 1974. The ratio of imports to domestic production then declined to 7.7 percent in 1975 and increased again in 1976 to 10.6 percent.

Imports of hydraulic cylinders amounted to less than one percent of domestic production in 1976.

CONTRIBUTED IMPORTANTLY

Pensteel KMW was incorporated in 1973 with two Canadian companies as owners. The owners intended Pensteel KMW to be primarily a marketing arm for one of the parent companies.

When this marketing program did not succeed, Pensteel KMW began in late 1973 to manufacture hydraulic cylinders and hydraulic shear machines. From 1974 through 1976, over 95 percent of Pensteel KMW's sales of hydraulic cylinders were to Canadian firms, and thus Pensteel KMW's sales of hydraulic cylinders were not affected by imports.

Distributors for Pensteel KMW hydraulic shears did not purchase similar machines from foreign manufacturers. Distributors stated that Pensteel KMW's competition came from other domestic firms.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hydraulic shear machines and hydraulic cylinders produced at Pensteel KMW, Batavia, New York, did not contribute importantly to the total or partial separations of workers of that plant.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-19962 Filed 7-11-77;8:45 am]

[TA-W-1676]

SPORN DRESS CO., FREEHOLD, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1676: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 17, 1977, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing misses' dresses at the Sporn Dress Company, Freehold, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13613). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Sporn Dress Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Sporn Dress Company remained constant in 1975 compared to 1974 and increased 5 percent in 1976 compared to 1975. Employment declined 5 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Sporn Dress Company declined 17 percent in 1975 compared to 1974 and increased 17 percent in 1976 compared to 1975. Production decreased 63 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of women's and misses' dresses decreased from 963 thousand dozen in 1972 to 596 thousand dozen in 1973. Imports increased annually to 659 thousand dozen in 1976.

Imports of women's and misses' dresses decreased relative to domestic production and consumption from 4.7 percent and 4.5 percent, respectively, in 1972 to 3.2 percent and 3.1 percent, respectively, in 1973. Imports relative to domestic production and consumption increased

to 4.5 percent and 4.3 percent, respectively, in 1975 and remained constant in 1976.

CONTRIBUTED IMPORTANTLY

The Sporn Dress Company produces on a contract basis exclusively for one manufacturer. Reduced purchases from the Sporn Dress Company resulted from the manufacturer's decision to shift to other domestic contractors in order to change its mix of product line. The manufacturer does not import any finished products nor does it contract work with foreign firms.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with misses' dresses produced at the Sporn Dress Company, Freehold, New Jersey, did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-19963 Filed 7-11-77;8:45 am]

[TA-W-1922]

TONY P. FASHIONS, INC., MOHAWK, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1922: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 29, 1977, in response to a work petition received on March 28, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers producing ladies' dresses at the Mohawk, New York, plant of Tony P. Fashions, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1977 (42 FR 19182). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from Tony P. Fashions, Inc., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria (1), (2) and (3) have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production workers were hired by Tony P. Fashions in December 1975. Employment ceased on May 22, 1976 when the plant was shut down and all workers were laid off.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Tony P. Fashions was a contractor. Production commenced the second week in December 1975 and ceased on May 22, 1976 when the plant was permanently closed.

INCREASED IMPORTS

Imports of women's and misses' dresses decreased from 963 thousand dozen in 1972 to 596 thousand dozen in 1973 and then increased steadily to 659 thousand dozen in 1976.

CONTRIBUTED IMPORTANTLY

The sole manufacturer that Tony P. Fashions contracted with does not purchase imported dresses or use foreign contractors. This manufacturer switched from Tony P. Fashions to other domestic contractors only after Tony P. Fashions shut down. The manufacturer has increased purchases from other domestic sources during the last two years; furthermore, its sales of dresses such as those produced at Tony P. Fashions have increased.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with dresses produced at the Mohawk, New York, plant of Tony P. Fashions, Inc., did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19964 Filed 7-11-77;8:45 am]

[TA-W-1704]

BECKLEY MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1704: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on March 3, 1977, which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers producing tuner modules, intermediate frequency transformers and custom magnetic devices at the Beckley, West Virginia, plant of Beckley Manufacturing Company.

The Notice of Investigaiton was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Beckley Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all of the above criteria were met for the Beckley plant.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Total production employment at Beckley declined 13 percent from 1974 to 1975.

Workers were engaged in the production of tuner modules from June 1975 through June 1976. Employment of tuner module production workers declined 43 percent in the first six months

of 1976 compared to the last six months of 1975. Tuner module production employment was terminated in June 1976.

Employment of IF transformer production workers increased 48 percent from 1975 to 1976. Employment declined 20 percent in the fourth quarter of 1976 and 27 percent in the first quarter of 1977, when compared to the same quarters of the previous year.

Employment of custom magnetic device production workers increased 6 percent from 1975 to 1976. Employment declined 12 percent in the fourth quarter of 1976 and 32 percent in the first quarter of 1977 when compared to the same quarters of the previous year.

All production employment was terminated in April 1977 when the plant closed.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of tuner modules declined 19 percent in quantity from 1975 to 1976. Production of tuner modules at the Beckley plant began in June 1975 and was discontinued in June 1976. Tuner modules represented 3 percent of total production in 1975 and 2 percent in 1976.

Sales of IF transformers increased 14 percent in quantity from 1975 to 1976. Sales declined 24 percent in quantity in the fourth quarter of 1976 compared to the fourth quarter of 1975. Production of IF transformers declined 12 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975. Production of IF transformers was discontinued in April 1977.

IF transformers represented 88 percent of total production in 1975 and 92 percent in 1976.

Sales of custom magnetic devices declined 19 percent in quantity from 1975 to 1976. Production of custom magnetic devices declined 9 percent from 1975 to 1976. Production of custom magnetic devices ceased in April 1977 when the plant closed.

Custom magnetic devices represented 9 percent of total production in 1975, and 6 percent in 1976.

INCREASED IMPORTS

Imports of certain electronic inductors (a basket category including tuner modules, transformers, and other inductors for use in radio assemblies and data processing equipment) increased in absolute terms in each year from 1972 through 1975. Imports increased 37 percent from 1975 to 1976, and increased 56 percent in the first quarter of 1977 compared to the like quarter of 1976. The ratio of imports to domestic production increased from 7.1 percent in 1975 to 9.3 percent in 1976 and to 11.1 percent in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

In June 1976, production of tuner modules was discontinued at Beckley Manufacturing Company and was transferred to General Instrument Corporation (the parent company) facilities in Juarez, Mexico. All employment related to the production of tuner modules at Beckley was terminated.

Beginning in January 1977, production of intermediate frequency transformers was phased out at Beckley. In April 1977, production of IF transformers ceased at Beckley and was transferred to General Instrument facilities in Juarez, Mexico, and Taiwan.

Sales and production of custom magnetic devices declined throughout 1975 and 1976. Beckley produced CM devices for one major customer. This customer purchases imported custom magnetic devices and reduced purchases from Beckley in 1975 and 1976.

Tuner modules and intermediate frequency transformers together, represented nearly 95 percent of production at Beckley in both 1975 and 1976. Therefore, when production of these products was transferred from Beckley, production of custom magnetic devices was also discontinued at the plant. CM device production was not transferred to other parent company facilities. General Instrument will not remain in the custom magnetic device market.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tuner modules, intermediate frequency transformers and custom magnetic devices produced at Beckley Manufacturing, Beckley, West Virginia, contributed importantly to the total or partial separation of the workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of tuner modules at Beckley Manufacturing Company, Beckley, West Virginia, and the Chickopee, Massachusetts, sales office who became totally or partially separated from employment on or after February 22, 1976, and all workers engaged in employment related to the production of intermediate frequency transformers and custom magnet devices at Beckley Manufacturing Company, Beckley, West Virginia, and the Chickopee, Massachusetts, sales office who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19947 Filed 7-11-77;8:45 am]

[TA-W-1708]

BRIDGEPORT BRASS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1708: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on March 1, 1977, which was filed by the Brass Workers Local Union No. 24411 of the AFL-CIO on behalf of workers and former workers producing copper and brass pipe and tubing at the Bridgeport Brass Company, Bridgeport, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bridgeport Brass Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Annual average employment of hourly production workers at the Bridgeport, Connecticut tube mill of the Bridgeport Brass Company decreased 20.9 percent from 1974 to 1975 and then increased 17.6 percent from 1975 to 1976. Hourly employment began to decline in January 1977, falling 19.8 percent from January to March 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of copper and brass pipe and tubing at the Bridgeport, Connecticut, tube mill of the Bridgeport Brass Company decreased 25.7 percent in quantity from 1974 to 1975, increased 20.8 percent from 1975 to 1976, and then declined 9.6 percent in the first two months of 1977 compared to the same period in 1976.

Production decreased 30.9 percent in quantity from 1974 to 1975, increased 20.3 percent from 1975 to 1976, and then declined 10.6 percent in the first two months of 1977 compared to same period in 1976.

INCREASED IMPORTS

Imports of copper and brass pipe and tubing decreased from 105 million pounds in 1972 to 56 million pounds in 1975. Imports then increased to 81 million pounds in 1976. The ratio of imports to domestic production of copper and brass pipe and tubing decreased from 11.6 percent in 1972 to 9.3 percent in 1974 and then increased to 9.9 percent in 1975 and to 12 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Bridgeport Brass Company's tube mill in Bridgeport, Connecticut, do not purchase any imported copper and brass pipe and tubing. Customers that decreased purchases from the Bridgeport tube mill did so because Bridgeport Brass stopped producing copper water tubing and because of general economic conditions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with copper and brass pipe and tubing produced at the Bridgeport, Connecticut tube mill of the Bridgeport Brass Company did not contribute importantly to the total or partial separation of workers producing such articles at that plant.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19949 Filed 7-11-77;8:45 am]

[TA-W-1643]

BORDER FISHERIES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In according with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1643: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 14, 1977, in response to a worker petition received on February 10, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing at Border Fisheries, Incorporated, in Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13082). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Border Fisheries, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criterion (3) has been met, criteria (1), (2), and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers per ship has remained constant over the 1974-1976 period as insurance regulations require a minimum crew of three to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on average crew earnings per boat and average number of shrimp fishing trips per boat.

Average crew earnings per boat increased 52.5 percent in 1975 compared to 1974 and increased 7.6 percent in 1976 compared to 1975. Average number of trips per boat increased 11.5 percent in 1975 compared to 1974 and increased 3.4 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The average shrimp catch per boat in terms of quantity at Border Fisheries, Inc. increased 16.7 percent in 1975 compared to 1974 and then declined 27 percent in 1976 compared to 1975. Average catch per boat in terms of value increased 54.9 percent in 1975 compared to 1974 and increased 8.2 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in terms of quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976. The ratio of imports to domestic consumption declined from 57 percent in 1975 to 56.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers who regularly submit bids on the Port Isabel-Brownsville shrimp market revealed that customers who increased their purchases of imported shrimp did so because Border Fisheries and other domestic suppliers were unable to meet their requirements. Further evidence that the demand for Gulf shrimp exceeded supply in 1976 is supplied by the fact that the average price for shrimp increased in 1976 compared to 1975.

The decline in the quantity of shrimp caught by Border Fisheries in 1976 was due to several factors, including adverse weather conditions occurring during the height of the shrimp season in November and December which kept the trawlers in port, the lack of shrimp available in the known fishing grounds, and the imposition of a 200 mile fishing restriction by the Mexican government which prevented domestic shrimpers from fishing off Mexican coastal waters.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp produced by Border Fisheries, Inc., Port Isabel, Texas, have not contributed importantly to the total or partial separations of the workers of that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19948 Filed 7-11-77;8:45 am]

[TA-W-1633]

CONGRESS TEXTILE PRINTERS

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1633: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 7, 1977 in response to a worker petition received on February 7, 1977 which was filed by the Textile Printing Colorist Guild on behalf of workers and former workers printing fabric at the Hawthorne, New Jersey plant of Congress Textile Printers.

The Department's investigation revealed that Congress includes two divisions: Capital Printers, a commission printing operation and Dandy Flocks, a commission flock printing operation.

The notice of investigation was published in the FEDERAL REGISTER on March 4, 1977 (42 FR 12494). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Congress Textile Printers, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all of the above criteria were met for Congress Textile Printers and the Capital Printers division of Congress. Without regard to any of the other criteria, criterion three (3) was not met for the Dandy Flocks division of Congress Textile Printers.

Significant Partial or Total Separations

The average number of production workers at Congress Textile Printers and the Capital Printers division declined 48 percent from 1974 to 1975 and declined 3 percent from 1975 to 1976.

The average number of production workers in the Dandy Flocks division declined 26 percent from 1974 to 1975 and declined 50 percent from 1975 to 1976.

The average number of salaried workers at Congress Textile Printers declined 23 percent from 1974 to 1975 and declined 20 percent from 1975 to 1976.

Sales, Production, or Both, Decreased Absolutely

The quantity of sales of printed fabric by Congress Textile Printers and the Capital Printers division declined 61 percent from 1974 to 1975 and declined 2 percent from 1975 to 1976.

The quantity of sales of flocked fabric by the Dandy Flocks division declined 35 percent from 1974 to 1975 and declined 50 percent from 1975 to 1976.

Increased Imports

The petition alleges that increased imports of apparel adversely affected production and employment of Congress Textile Printers. "Converters, who are customers of Congress stated that imports of apparel have been a factor in reduced business with Congress.

Imported wearing apparel cannot be considered to be like or directly competitive with printed fabric. Imports of fabric must be considered in determining import injury to workers producing printed fabric.

Imports of cotton broadwoven printcloth declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 10.5 percent from 1974 to 1975 and then increased 55.6 percent from 1975 to 1976. The ratio of imports to domestic production and consumption increased from 13.5 percent and 12.9 percent, respectively, in 1975 to 20.6 percent and 19.8 percent, respectively, in 1976.

Imports of man-made woven printed fabric declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined .8 percent from 1974 to 1975 and then increased 23.5 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained less than one percent from 1972 through 1976.

Imports of flocked cotton fabric increased absolutely and relative to domestic production from 1972 to 1973. Imports declined absolutely from 1973 to 1974, increased from 1974 to 1975, and then declined 36 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 0.10 percent for each in 1974 to 0.12 percent for each in 1975.

Imports of flocked man-made fabric declined absolutely and relative to domestic production from 1972 to 1973. Imports increased absolutely from 1973 to 1974, declined from 1974 to 1975 and declined 94 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained unchanged at 0.06 percent for each in both 1974 and 1975.

Contributed Importantly

Customers of Congress Textile Printers are converters who buy greige goods and commission Congress to finish and print the fabric in accordance with apparel manufacturers' specifications. During the course of the investigation it was established that converters may or may not purchase imports of printed fabric. In general, the converters maintained that printing orders with Congress and Capital were reduced because the converters were experiencing declining sales.

The Department's survey of apparel manufacturers, who are customers of the converters, revealed that manufacturers are importing printed or finished fabric for use in the production of men's and women's wearing apparel. The converters reported a growing trend towards manufacturers bypassing converters and purchasing finished fabric offshore or purchasing the imported finished fabric domestically, through foreign trading companies.

Sales by Dandy Flocks declined in 1975 and 1976 because total consumption of cotton and man-made fabrics used as foundations for flocking declined. This decline was due to decreased demand by the housing, automotive, apparel, and shoe industries, the primary users of coated, including flocked, fabrics.

Conclusion

After careful review of the facts obtained in the investigation I conclude that increases of imports or directly competitive with printed fabric produced at Congress Textile Printers and the Capital Printers division of Congress; Hawthorne, New Jersey contributed importantly to the total or partial separation of the workers of those divisions. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the printing of fabric at Congress Textile Printers and the Capital Printers division of Congress, Hawthorne, New Jersey, and the Senate Sales office New York, New York who became totally or partially separated from employment on or after January 24, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that imports of articles like or directly competitive with flocked fabric produced in the Dandy Flocks division of Congress Textile Printers, Hawthorne, New Jersey have not increased as required for certification under Section 222 of the Trade Act of 1974. Therefore, workers employed by Dandy Flocks are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 29th day of June 1977.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19950 Filed 7-11-77;8:45 am]

[TA-W-1584]

DAVE GOLDBERG MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223(b) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1584: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 18, 1977 in response to a worker petition received on January 18, 1977 which was filed on behalf of workers and former workers producing quilted nylon and polyester coats at the Antioch, Illinois plant of the Dave Goldberg Manufacturing Company.

The notice of investigation was published in the Federal Register on February 15, 1977 (42 FR 9239). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Dave Goldberg Manufacturing Company, its customers, the U.S. Department of Commerce, the Chicago Midwest Credit Management Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assist-

ance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employement at the Antioch, Illinois plant of the Dave Goldberg Manufacturing Company peaked in September 1975 and then declined thereafter. All employment at the Antioch plant was terminated the week ending January 3, 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in 1974 dollars by the Dave Goldberg Manufacturing Company increased 3.3 percent in 1975 compared to 1974 and then declined 84.5 percent in the first three gaurters of 1976 compared to the first three quarters of 1975.

INCREASED IMPORTS

Imports of men's, boys', women's and girls' nylon and polyester fiber-filled non-knit coats and jackets increased absolutely and relatively in 1973 compared to 1972 and then declined absolutely and relatively in 1974 compared to 1973. Imports decreased absolutely and relatively in 1975 compared to 1974 and then increased 18.3 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 132.8 percent in 1975 to 145.4 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers representing approximately eighty percent of Goldberg's total sales indicated that they had increased their purchases of imported nylon and polyester coats while decreasing their purchases from the Dave Goldberg Manufacturing Company. Price was cited as the most important factor in these customers' decisions to purchase imported rather than domestic nylon and polyester coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with quilted nylon and polyester coats produced by the Antioch, Illinois plant of the Dave Goldberg Manufacturing Company contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Dave Goldberg Manufacturing Company located in Antioch, Illinois who became totally or partially separated from employment on or after December 22, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19951 Filed 7-11-77;8:45 am]

[TA-W-1947]

EARTH SHOE CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1947: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on March 31, 1977, by workers and former workers producing casual footwear at the Middleboro, Massachusetts, plant of the Earth Shoe Corporation. The petition was expanded to include those workers at the Summerset, Massachusetts, warehouse of Earth Shoe and the parent corporation of Earth Shoe, Kalso Systemet, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on May 4, 1977 (42 FR 19933). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Earth Shoe Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Earth Shoe Corporation declined by 10.2 percent in 1976 compared to 1975. Employment declined by 76.6 percent in the first four months of 1977 compared to the same period in 1976. The plant was shut down and all production employees were laid off between February 10, 1977, and April 9, 1977.

All salaried workers of Kalso Systemet, Inc., were laid off in January, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of casual footwear by the Earth Shoe Corporation in value on a fiscal year basis (September 1–August 31) declined in 1976 by 2.7 percent compared to the like period in fiscal year 1975. Sales declined in the first half of fiscal year 1977 by 44.6 percent compared to the first half of fiscal year 1976.

Production of casual footwear by the Earth Shoe Corporation declined in quantity by 24.4 percent in 1976 compared to 1975. Production declined by 75.3 percent in the first four months of 1977 compared to the same period in 1976.

INCREASED IMPORTS

Imports of men's, youths' and boys' dress and casual footwear increased from 65.5 million pairs in 1972 to 68.2 million pairs in 1973. Imports declined to 52.1 million pairs in 1974 and then increased to 58.9 million pairs in 1975. Imports increased by 33.1 percent in 1976 to 78.4 million pairs compared to the 58.9 million pairs imported in 1975.

The ratio of imports to domestic production was recorded at 57.2 percent in 1972 and increased to 61.2 percent in 1973. The ratio fell to 51.7 percent in 1974, increased to 61.1 percent in 1975 and increased to 76.6 percent in 1976.

Imports of women's and misses' nonrubber footwear, except athletic increased from 204.2 million pairs in 1972 to 213.4 million pairs in 1973. Imports in 1974 were recorded at 187.6 million pairs and increased to 190.7 million pairs in 1975. Imports increased by 2.5 percent in 1976 to 195.5 million pairs compared to the 190.7 million pairs imported in 1975.

The ratio of imports to domestic production was recorded at 93.5 percent in 1972 and increased to 111.0 percent in 1973. The ratio fell to 102.6 percent in 1974, increased to 114.1 percent in 1975 and declined to 106.3 percent in 1976.

CONTRIBUTED

Earth Shoes were marketed through company-owned and privately owned franchise stores. These stores sold only domestica... made original "Earth" shoes prior to 1976. Beginning in 1976,

retail stores that had exclusively marketed only "Earth" shoes decreased their volume of purchases from Earth Shoe, Inc., and began selling imported casual footwear. Imported casual footwear sold in these stores generally were lower-priced than the Earth shoe.

The popularity of the Earth shoes generated numerous imitations of the original design made by Earth Shoes, Inc. Many of these imitations were produced abroad and sold in the U.S. for prices substantially below that of the Earth Shoe, Inc., produced shoe.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with casual footwear produced at the Middleboro, Massachusetts, plant of Earth Shoe Corporation contributed importantly to the total or partial separation of the workers of that plant, including the warehouse in Summerset, Massachusetts, and the parent corporation, Kalso Systemet, Inc., New York, N.Y. In accordance with the provisions of the Act, I make the following certification:

All workers at the Middleboro, Massachusetts, plant and the Summerset, Massachusetts, warehouse of Earth Shoe Corporation and the New York, N.Y., offices of Kalso Systemet, Inc., who became totally or partially separated from employment on or after April 24, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19952 Filed 7-11-77;8:45 am]

[TA-W-1720]

GOODIMADE MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1720: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 28, 1977, in response to a worker petition received on that date which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing womens and girl's sportswear at the Goodimade Manufacturing Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Goodimade Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof; and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Goodimade Manufacturing Company declined 3 percent in 1975 compared to 1974 and increased 2 percent in 1976 compared to 1975. Employment declined 13 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales by the Goodimade Manufacturing Company declined in value by 10 percent in 1975 compared to 1974 and declined 3 percent in 1976 compared to 1975. During the first quarter of 1977 total sales declined 1 percent compared to the first quarter of 1976.

Total production by the Goodimade Manufacturing Company declined in quantity by 18 percent in 1975 compared to 1974 and 17 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's blouses and shirts increased relative to domestic production and consumption from 56 percent and 35.9 percent, respectively, in 1974 to 70.4 percent and 41.3 percent, respectively, in 1975. In 1976 imports as a percentage of production and consumption increased to 76 percent and 43.2 percent, respectively. Imports of women's, misses' and children's blouses and shirts increased from 20.5 thousand dozen in 1974 to 26.1 thousand dozen in 1975 and 30.3 thousand dozen in 1976. Imports decreased from 9.7 thousand dozen in the first quarter of 1976 to 8.3 thousand dozen in the first quarter of 1977.

Imports of women's, misses' and children's slacks and shorts increased relative to domestic production and consumption from 30.3 percent and 23.2 percent respectively in 1974 to 33 percent and 24.8 percent, respectively, in 1975. In 1976 imports as a percentage of production and consumption increased to 39 percent and 28 percent, respectively. Imports of women's, misses' and children's slacks and shorts increased from 8.9 thousand dozen in 1974 to 10 thousand dozen in 1975 and 11 thousand dozen in 1976. Imports decreased from 3.5 thousand dozen in the first quarter of 1976 to 3.4 thousand dozen in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

Customers of Goodimade Manufacturing Company indicated that they increased purchases of imports and decreased purchases from Goodimade.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and girl's sportswear produced by the Goodimade Manufacturing Company, Philadelphia, Pennsylvania, contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Goodimade Manufacturing Company, Philadelphia, Pennsylvania, who became totally or partially separated from employment on or after February 24, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19953 Filed 7-11-77;9:45 am]

[TA-W-1952]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1952: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Lihue, Hawaii.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of

Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important that any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contacts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19954 Filed 7-11-77;8:45 am]

[TA-W-1950]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1950: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Waipahu, Hawaii.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contacts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19955 Filed 7-11-77;8:45 am]

[TA-W-1723]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1723: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on March 1, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Aiea, Hawaii. During the

course of the investigation the petition was expended to cover a substation at Kailue, Hawaii and the Washington, D.C., office.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contracts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19956 Filed 7-11-77;8:45 am]

[TA-W-1951]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1951: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Hilo, Hawaii.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof; have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities; either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contacts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19957 Filed 7-11-77;8:45 am]

[TA-W-1644]

LLOYD GUILLOT CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1644: investigation regarding certification of eligibility to apply for ad-

justment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 14, 1977, in response to a worker petition received on February 10, 1977, which was filed by workers and former workers engaged in shrimp fishing at the Lloyd Guillot Company, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13089). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Lloyd Guillot Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Evidence developed in the Department's investigation revealed that criteria (1), (2), and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment data in the shrimp fishing industry have been expressed in terms of number of fishing trips or landings and gross crew earnings since trawler compliments usually remain constant with a minimum of three crewmen per trawler due to insurance requirements. Gross crew earnings are determined as a percentage of the sales value of the catch.

The number of trips increased 5.2 percent from 1974 to 1975 and decreased 10 percent from 1975 to 1976. Gross crew earnings increased 70.8 percent from 1974 to 1975 and increased 4.3 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of shrimp, in terms of quantity, increased 14.3 percent in 1975 compared to 1974 and decreased 10.1 percent in 1976 compared to 1975. However, sales, in terms of value, increased 47.8 percent in 1975 compared to 1974 and increased 31.4 percent in 1976 compared to 1975 due to sharp increases in the price of fresh shrimp.

INCREASED IMPORTS

Imports of shrimp decreased 9.3 percent from 1972 to 1973, increased 15.9 percent from 1973 to 1974, decreased 13.6 percent from 1974 to 1975 and increased 17.2 percent from 1975 to 1976. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

The decline in the quantity of shrimp caught by Lloyd Guillot was due to several factors including adverse weather conditions occurring during the height of the shrimp season in November and December 1976 which kept the trawler in port, the lack of shrimp available in the usual fishing grounds, and because the 200 mile fishing restriction imposed by the Mexican government prevented domestic shrimpers from fishing off the Mexican coastal waters. Lloyd Guillot's only customer buys all the shrimp that Lloyd Guillot is able to supply. This customer purchases imported shrimp when Lloyd Guillot and other domestic suppliers are unable to supply all the quantity and types of shrimp to meet the customer's requirements.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the shrimp produced by Lloyd Guillot, Port Isabel, Texas, have not contributed importantly to the total or partial separations of workers of that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19958 Filed 7-11-77;8:45 am]

[TA-W-1655]

LUCHADOR, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1655: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 16, 1977, in response to a worker petition received on February 10, 1977, which was filed on behalf of workers and former workers who are engaged in shrimp fishing at Luchador, Incorporated, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13089). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Luchador, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria (1), (2), and (3) have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on the number of shrimp fishing trips and gross crew earnings.

The number of shrimp fishing trips taken by the M/V *Luchador*, the only boat owned by Luchador, Inc., increased 3.7 percent in 1976 compared to 1975. Gross crew earnings on the M/V *Luchador* declined 2.3 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The amount of shrimp caught by the M/V *Luchador* declined 18.2 percent in 1976 compared to 1975. Sales in terms of value declined 5.2 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

The decline in the quantity of shrimp caught by Luchador in 1976 was due to several factors including adverse weather conditions occurring during the height of the shrimp season in November and December which kept the trawlers in port, the lack of shrimp available in the known fishing grounds, and the 200 mile fishing zone imposed b ythe Mexican government which prevented domestic shrimpers from fishing in Mexican coastal waters.

Luchador's only customer buys all the shrimp that Luchador is able to supply. This customer purchases imported shrimp when Luchador and other domestic suppliers are unable to meet its requirements.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with shrimp produced by Luchador, Incroporated, Port Isabel, Texas, have not contributed importantly to the total or partial separations of workers of that firm, or to the decline in sales or production, as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19959 Filed 7-11-77;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE ON SCIENTIFIC ADVISORS ON MARINE MAMMALS

Meetings

Pursuant to the notice published in the FEDERAL REGISTER on May 26, 1977, further notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on July 28, 29, and 30, 1977, at the University Towers Hotel, Seattle, Washington.

The Commission and Committee will meet together in public session from 11:00 a.m. to 3:00 p.m. on July 28, and from 9:00 a.m. to 6:00 p.m. on July 29, to discuss and consider the status of activities and problems affecting marine mammals, including matters relating to:

(1) Federally-funded marine mammal research activities and long-range plans;
(2) The marine mammal permit application system;
(3) The taking of porpoises incidental to commercial yellowfin tuna fishing;
(4) Marine mammal harassment;
(5) Results of the June 1977 meeting of the International Whaling Commission; and
(6) Such other matters as may appropriately come before the meeting.

These sessions will be open to the public, and seating will be available to accommodate those who are interested.

The remainder of the meeting will consist of executive sessions of the Commission and Committee. These sessions will be devoted to the exchange of opinions and deliberations concerning internal personnel rules and practices, budget, interagency liaison, proposed agency policies and actions, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence.

Executive sessions will be held as follows:

July 28, from 9:00 a.m. to 11:00 a.m.; and July 30, from 9:00 a.m. to 5:00 p.m.

These sessions are concerned with matters listed in 5 U.S.C. Sec. 552b(c)(2), (3), (4), (6), and (9)(B), and therefore will not be open to the public.

JOHN R. TWISS,
Executive Director, Marine Mammal Commission.

JULY 6, 1977.

[FR Doc.77-19888 Filed 7-11-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (77-46)]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the "Final Environmental Impact Statement, modification of 40 x 80-foot Subsonic Wind Tunnel, Amendment No. 1, Ames Research Center, Moffett Field, California.

Comments on the draft Environmental Impact Statement were previously solicited from state and local agencies and members of the public through a notice in the FEDERAL REGISTER of November 10, 1976.

Copies of the draft and final statement have been furnished to the council on Environmental Quality, the Departments of Health, Education, and Welfare, Housing and Urban Development, Interior, Navy, and Transportation, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and to appropriate state and local agencies.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-713), Bay St. Louis, MS 39520

(k) Jet Propulsion Laboratory, (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, CA 91103

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337

Done at Washington, DC, this 5th day of July 1977.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.77-19886 Filed 7-11-77; 8:45 am]

[Notice (77-47)]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the National Aeronautics and Space Administration (NASA) Ames Research Center, Moffett Field, California.

Comments on the draft Environmental Impact Statement were previously solicited from state and local agencies and members of the public through a notice in the FEDERAL REGISTER of July 16, 1976.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, the Departments of Health, Education, and Welfare, Housing and Urban Development, Interior, Navy, and Transportation, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and to appropriate state and local agencies.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffet Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-313), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory, (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C., this 5th day of July 1977.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.77-19887 Filed 7-11-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE STRUCTURE

Notice is hereby given, pursuant to P.L. 92-463, that the Committee Structure of the National Advisory Council on the Education of Disadvantaged Children for FY 1978 shall be as follows:

COMMITTEE ON SUCCESSFUL PROGRAMS/PARENT INVOLVEMENT

The Committee will develop procedures for reviewing criteria and identifying effective compensatory education programs; and, to assess the effective parental participation in local ESEA Title I programs.

Members:
Mrs. Carol Schwartz, Chairman
Mrs. Sarah Greene
Mrs. Rosella Lipson
Dr. George Willeford
Mr. Marvin Pomerantz
Dr. John Calhoun

COMMITTEE ON INDIAN EDUCATION/MIGRANT EDUCATION

The Committee will review and comment on the administrative structure of programs impacting on education of Indian children and review ESEA, Title I Migrant programs.

Members:
Dr. Ben Reifel, Chairman
Dr. Wilbur Lewis
Mrs. Mary Anne Clugston
Mrs. Dorothy Fleegler
Mrs. Barbara Kilberg
State Senator John Leopold

AD HOC COMMITTEE (BARRERA)

The Committee is to monitor developments and Council activities related to the Missouri Title I nonpublic school bypass.

Members:
Dr. Wilbur Lewis, Chairman
Mrs. Sarah Greene
Mr. J. Alan Davitt
Mrs. Barbara Kilberg

MANDATED STUDIES COMMITTEE

The Committee is to monitor and advise the NIE national evaluation of compensatory education as required by P.L. 93-380.

Members:
Mrs. Dorothy Fleegler, Chairman
Mr. J. Alan Davitt
Mrs. Rosella Lipson

COMMITTEE ON LEGISLATIVE TESTIMONY

The Committee is to provide ongoing Council advice on pending legislation, i.e., ESEA testimonies and other statements for congressional records.

Members:
Mr. M. Alan Woods, Chairman
Mr. J. Alan Davitt
State Senator John Leopold.

THE EXECUTIVE COMMITTEE

The Committee is composed of the Chairmen of all committees and performs interim assignments as delegated by the Chairman of the NACEDC.

All the above committees are scheduled to hold sessions on July 14, 1977, at the Parker House Hotel, Brandeis Room, Boston, Mass. from 7:00 p.m. to 9:00 p.m.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

All committee meetings will be announced in the FEDERAL REGISTER and will be open to the public unless otherwise indicated. Records will be kept of all meetings and will be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on July 6, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77-19861 Filed 7-11-77;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy (NCMP) will sponsor a working conference on the manpower services delivery system. The conference will be held on July 28 and 29, 1977, in the Diplomat Room of the International Inn, located at 10 Thomas Circle NW., Washington, D.C. The conference will begin at 1:30 p.m. and adjourn at 5:00 p.m. on July 28, resuming on July 29 at 9:00 a.m. and ending at about 4:30 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203). The Act charges the Commission with the board responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the nation's manpower policies and programs.

The manpower agenda items to be covered during the conference include:

The desirability of extending the principles of decentralization and decategorization beyond CETA to other manpower programs, specifically the Employment Service and the Work Incentive Program.

A delineation of manpower functions to be performed at state and local levels.

Financing the manpower services system.

Relationship of education and welfare systems to the manpower system.

Criteria for evaluating manpower performance.

The conference's objective is to develop information to guide the Commission's assessment of the several manpower programs and the question of whether such programs represent a consistent, integrated, and coordinated approach to meeting the Nation's manpower goals and needs.

Members of the general public and other interested individuals may attend this NCMP working conference; space, however, will be limited. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Commission no later than two days before or seven days after the meeting.

Additionally, members of the general public may request to make oral statements at the conference to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to make an oral statement must be submitted to the Director of the Commission three days before the meeting. The application shall identify the following: The applicant; the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations will be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public in-

pection at the Commission's headquarters located at 1522 K Street, NW., Suite 300, Washington, D.C., five working days after the meeting.

Signed at Washington, D.C. this fifth day of July 1977.

ELI GINZBERG,
Chairman, National Commission for Manpower Policy.

[FR Doc.77-19718 Filed 7-11-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

RESEARCH GRANTS PANEL

Meeting

JULY 6, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants will be held at 806 15th Street, N.W., Washington, D.C. 20506, in room 1130, from 9 am. to 5:30 pm. on July 18, 1977.

The purpose of the meeting is to review Research applications in the field of Publications submited to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordon, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-19721 Filed 7-11-77;8:45 am]

RESEARCH GRANTS PANEL

Meeting

JULY 6, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on July 22, 1977.

The purpose of the meeting is to review Research applications in the field of Publications submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b (c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interferences with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-19724 Filed 7-11-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE FOR CITIZENS SUBCOMMITTEE TO DRAFT REPORT

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee to Draft Report of the Advisory Committee for Science for Citizens.

DATE AND TIME: August 4 and 5, 1977—9:00 a.m.-5:00 p.m. each day.

PLACE: Room 680, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550.

CONTACT PERSON: Ms. Rachelle Hollander, Acting Program Manager, Science for Citizens Program, Office of Science and Society, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 282-7770.

TYPE OF MEETING: Open.

PURPOSE OF SUBCOMMITTEE: To draft report to Congress regarding Science for Citizens Program.

AGENDA: The subcommittee will draft report.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, National Science Foundation, Room 248, Washington, D.C. 20550.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JULY 7, 1977.

[FR Doc.77-19864 Filed 7-11-77;8:45 am]

SUBPANEL ON SCIENCE EDUCATION PROGRAMS EVALUATION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subpanel on Science Education Programs Evaluation Advisory Panel for Science Education projects.

DATES AND TIMES: July 28-29, 1977—8:30 a.m. to 5 p.m. each day.

PLACE: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W-660, National Science Foundation, Washington, D.C. 20550, Tel: (202) 282-7947.

PURPOSE OF SUBPANEL: To provide advice and recommendations concerning evaluation of six Science Education programs: CAUSE, RIAS, URP, LOCI, ISEP, and Women in Science Career Facilitation Programs.

AGENDA: To review and evaluate specific education proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JULY 7, 1977.

[FR Doc.77-19863 Filed 7-11-77;8:45 am]

WORKSHOP ON PROBLEMS OF CONTINUING EDUCATION IN SCIENCE AND ENGINEERING

Meeting

A workshop devoted to discussion of the problems of continuing education in science and engineering will be held at the National Science Foundation, Room 540, at 1800 G Street, N.W., Washington, D.C. on Friday and Saturday, August 5 and 6, 1977. The Friday session will run from 9:00 to 5:00 and the Saturday session from 9:00 to 3:00. The workship, involving a small group of invited participants, is part of the Foundation's consideration of current and possible future activities in continuing education in science and engineering. There will be discussion of problems facing colleges, universities, and the industrial sector.

While this meeting is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (Pub. L. 92-463) the conference is believed to

be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation.

Because of space limitations, those who wish to attend should make prior arrangements with the Chairman, Dr. Alphonse Buccino, (202) 282-7947, or by letter to him at the Office of Program Integration, National Science Foundation, Washington, D.C. 20550.

JEROME DAEN,
Director, Division of Science Education, Development and Research.

[FR Doc.77-19862 Filed 7-11-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 1, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of infomation; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Action Volunteer Application (short form), A-727 Revise, single time, persons applying for special volunteer programs, Warren Topelius, 395-5872.

OFFICE OF MANAGEMENT AND BUDGET

A-95 Survey: Governors/Legislators, single time, Governors, State legislators, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, National Study of the Incidence and Severity of Child Abuse and Neglect—Pretest, single time, professionals having contact with children, Larry Haber, 395-5631.

DEPARTMENT OF THE TREASURY

Departmental and other, questionnaire: One Cent Coin National Personal Interview Survey, single time, sample of the U.S. adult population, Maria Gonzalez, 395-6132.

DEPARTMENT OF TRANSPORTATION

St. Lawrence Seaway Development Corporation, Island Transportation Study Questionnaire, single time, residents of U.S. islands in St. Lawrence River, Strasser, A., 395-5867.

Federal Railroad Administration: Terminal Grain Elevator Operators Questionnaire, single time, terminal grain elevator operators, Strasser, A., 395-5867.

Contry Grain Elevator Operators Questionnaire, single time, country elevator operator, Strasser, A., 395-5867.

Farmers' Questionnaire, single time, farmers in study area, Strasser, A., 395-5867.

National Highway Traffic Safety Administration, Preliminary Plan: Accident Causation and Accident, Avoidance Driver Interview Form, on occasion, drivers of motor vehicles, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Cotton and Raw Linters in Public Storage and at Compresses, M22N, monthly, cotton and linter warehouses, Gaylord Worden, 395-4730.

Economic Development Administration, Quarterly Financial Report: Title III Technical Assistance Grants, ED-325, quarterly, nonprofit/nongovernment grantees, Warren Topelius, Lowry, R. L., 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Request for Termination of Hospital and/or Supplementary Medical Insurance, SSA-1763, on occasion, voluntarily enrolled supplementary medical insurance and health insurance who wish termination, Tracey Cole, 395-5870.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Bird Strike/Incident Report, FAA 3830, on occasion, pilots, airlines, etc., Strasser, A., 395-5867.

EXTENSIONS

ENVIRONMENT PROTECTION AGENCY

Notice of Research Project, EPA5700-1, annually, applicants for research grants, Marsha Traynham, 395-4529.

FOOD AND NUTRITION SERVICE

Procedure for Conducting and Reporting Statewide Quality Control Accountability Reviews—Food Stamp Program, annually, Marsha Traynham, 395-529.

DEPARTMENT OF THE TREASURY

Bureau of Customs: Application and Special Permit for Immediate Delivery of Imported Merchandise, CF 3461, on occasion, importers, Tracey Cole, 395-5870.

Application for Exportation of Articles Under Special Bond of 3495, on occasion, customhouse brokers and exporters, Tracy Cole, 395-5870.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, Fairo Proceed Signal Report, 6180-14, monthly, railroads, Warren Topelius, 395-5872.

Federal Aviation Administration, Airport Pavement Design, FAA5100-1, on occasion, airport sponsors engineers, Tracey Cole, 395-5870.

Federal Railroad Administration, Signal Systems Annual Report, FRA618047, annually, railroads, Warren Topelius, 395-5872.

Federal Highway Administration, Drivers Daily Log, MCS-59, on occasion, drivers of interstate motor carriers of property and persons, Warren Topelius, 395-5872.

National Institutes of Health, Statement of Appointment of Trainee, NIH2004, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-20021 Filed 7-11-77;8:45 am]

POSTAL SERVICE

BOARD OF GOVERNORS

Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 6.2 and 7.5(b) (as amended, 42 FR 12862, 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a special meeting at 10:00 A.M. on Monday, July 11, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. The meeting is open to the public. The Board expects to discuss the question of whether it should authorize the Postal Service to request the Postal Rate Commission to submit a recommended decision on changes in postal rates and fees.

The Board will also review a report on the Public Affairs and Communications Programs of the Postal Service, which will be presented by Mr. Byrne, Assistant Postmaster General, Public and Employee Communications Department. This latter item was on the agenda for the July 6 meeting but was not presented at that time.

Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

By a recorded vote at its meeting on July 6, 1977, the members of the Board determined that the business of the Board requires the special meeting which is scheduled for July 11 to be called with less than a week's notice.

LOUIS A. COX,
Secretary.

[FR Doc.77-19344 Filed 7-11-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 13715; SR-Amex-77-7]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JULY 5, 1977.

On May 2, 1977, the American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006, ("Amex") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder copies of a proposed rule change which amends Section 411 of the Amex *Company Guide* to clarify the scope of permissible communications between specialists and listed company officials.

Notice of the proposed rule change together with the terms of substance of

the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13516 (May 6, 1977)) and by publication in the FEDERAL REGISTER (42 FR 24778 (May 16, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on May 2, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19858 Filed 7-11-77;8:45 am]

[Rel. No. 9839; 813-44]

ELFUN TAX-EXEMPT INCOME FUND INCOME FUND

Filing of Application for an Order of Exemption

JULY 5, 1977.

Notice is hereby given that Elfun Tax Exempt Income Fund ("Fund"), 112 Prospect Street, Stamford, Connecticut 06904, which is registered under the Investment Company Act of 1940, as amended ("Act"), as a diversified, open-end management investment company, filed an application on April 15, 1977, and an amendment thereto on May 18, 1977, pursuant to Section 6(b) of the Act for an order of the Commission exempting the Fund from the following sections of the Act and the Rules and Regulations promulgated thereunder: 8(b), 10(a), 13(a)(4) to the extent required to permit the Fund to be terminated without a vote of the Fund's Unitholders, 15(a) to the extent required to allow the investment advisory agreement between the Fund and General Electric Investment Corporation ("GEIC") described below to go into effect without being approved by persons holding a majority of the Fund's outstanding Units, 15(c), 16(a), 22(f), 30(d) to the extent required to permit the Fund to send a report to its Unitholders describing operations of the Fund only once a year, and 32(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund is a common law trust created pursuant to an agreement among the Fund's Trustees dated March 14, 1977. It filed with the Commission a notification of registration on Form N-8A on March 15, 1977, and a registration statement on Form S-5 under the Securities Act of 1933, as amended, on the same date. The registration statement on Form S-5 was declared effective on June 15, 1977; however, the Fund has not commenced distribution of Units of beneficial interest as of yet.

The Fund's investment objective is to seek as high a level of current interest income exempt from Federal income taxes as is available from investing in Municipal Bonds and is consistent with prudent investment management. It is the Fund's fundamental policy that at least 80% of its total assets will be invested in Municipal Bonds unless (i) market conditions call for a defensive posture in taxable obligations, or (ii) during the period between the commitment to purchase Municipal Bonds and the settlement date for such purchases. The Fund's investment restrictions include a prohibition against borrowing money or property except as a temporary measure and in no event will such borrowings exceed 5% of the Fund's total assets. Its fundamental policies and investment restrictions are not changeable without the approval of holders of at least a majority of the Fund's outstanding Units.

The Fund does not issue shares of stock. Ownership is denominated by Units which are evidenced by certificates or shown as Bookunits in statements of Account. All Units are of one class and are equal to each other without preference or priority of one over the other. Unitholders have no voting rights except with respect to matters affecting the Unitholders' rights of redemption or other substantial rights, and with respect to changes in the Fund's fundamental policies. They are not entitled to elect members of the Fund's Board of Trustees. Each Unit entitles the holder thereof to one vote. There are no preemptive, subscription or conversion rights.

Fund Units are offered for sale only to regular and senior members of the Elfun Society ("Elfun") and to General Electric Company ("General Electric") and its affiliated companies. The Fund continuously offers its Units at net asset value without a sales charge per Unit, determined as of the next closing of the New York Stock Exchange after a subscription is received by the Unitholder Servicing Agent (Elfun Tax-Exempt Income Fund Unitholders Records Operation, General Electric Company). A redemption fee not to exceed 1% may be prescribed. The minimum initial investment is $1,000 and the minimum payroll deduction is $50 per month. Regular members of Elfun are selected from the higher level exempt-salaried employees of General Electric and its affiliated companies. Senior members are former regular members who have retired from those companies. As of December 31, 1976, there were approximately 18,800 regular members and 3,400 senior members of Elfun. Purchases of Fund Units may also be made by the spouse and adult children of eligible living Elfun members or by the unremarried surviving spouse of a former Elfun member.

The Fund's Trustees have contracted for investment management services with GEIC, a wholly-owned subsidiary of General Electric which is registered with the Securities and Exchange Commission as an Investment Adviser under the Investment Advisers Act of 1940. Subject to general guidance and review by the Fund's Board of Trustees, GEIC will develop an investment program, determine what securities should be bought and sold, and execute portfolio transactions for the Fund. GEIC is reimbursed the reasonable costs it incurs in providing investment management services to the Fund, but such reimbursement does not include any element of profit for GEIC.

GEIC is subject to removal by the Fund's Trustees at any time, without penalty, on sixty days written notice. The contract for investment management provides that the appointment of the investment manager is subject to annual review by the Fund's Trustees. The Fund's Trustees have employed The Bank of New York to act as the Fund's custodian, Accounting Services and Unitholder Services are furnished to the Fund by General Electric at reasonable costs without profit to General Electric.

The Fund's three Trustees are all officers or employees of General Electric who have been assigned to the operations of GEIC. They do not receive any compensation from the Fund for serving as Trustee, although the Fund is required to reimburse GEIC for the portion of the remuneration such persons receive from General Electric which is allocable to the time they spend on Fund matters in their capacity as GEIC employees. The amount of services performed by the Trustees to the Fund will not in any way affect the size of their salaries or other remuneration from General Electric. The application states that the Trustees, GEIC and General Electric all have a very strong interest in assuring that the Fund is well managed, and while General Electric does not sponsor the Fund, the Fund is being established to offer an additional investing opportunity to certain General Electric employees, former employees, and their immediate relatives. Thus, the application contends that the success of the Fund will have a strong bearing on General Electric employee morale and satisfactory employee relations, matters in which General Electric is vitally involved.

The application contends that the Fund meets the definition of an "employees' securities company" contained in Section 2(a)(13) of the Act and should, as such, be exempted by the Commission pursuant to Section 6(b) of the Act. Section 2(a)(13 of the Act provides that "Employees' securities company means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated

company of the other, (B) by former employees of such employer or employees, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons."

Section 6(b) of the Act provides that "Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of the Act and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security." Pursuant to the provisions of Rule 6b-1 under the Act upon filing its application, the Fund became exempt from the above specified sections of the Act and the Rules and Regulations promulgated thereunder pending final determination of this application by the Commission.

In support of the requested exemptions, the application states that the safeguards for employee interests inherent in the Fund and the above described contractual arrangements of which the Fund is to be a party are more than adequate; that the Fund has no conflict of interest with the employee-investors; and that it has every incentive to see to it that the interests of the employees are protected. The application declares that the Fund believes that the exemptions it has requested from the above specific provisions of the Act and the Rules and Regulations promulgated thereunder, are consistent with the protection of investors. The application in this regard points out that Elfun Trusts and other employee securities companies associated with General Electric in the past have received orders of the Commission pursuant to Section 6(b) exempting them from the same provisions of the Act and the Rules and Regulations promulgated thereunder of which the Fund is requesting exemption.

Notice is further given that any interested person may, not later than August 1, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19859 Filed 7-11-77;8:45 am]

[Rel. No. 9858; 812-4093]

DELAWARE FUND, INC., ET AL.

Application To Permit an Offer of Exchange and To Provide an Exemption

JULY 1, 1977.

Notice is hereby given that Delaware Fund, Inc., Decatur Income Fund, Inc., Delta Trend Fund, Inc. (collectively "Funds"), Delchester Bond Fund, Inc. ("Bond Fund") and DMC Tax-Free Income Trust-Pennsylvania ("DMC Trust"), each of which is registered as an open-end diversified management investment company under the Investment Company Act of 1940 (the "Act") and Delaware Management Company, Inc., Seven Penn Center Plaza, Philadelphia, Pennsylvania 19103, ("Management") (collectively referred to with the Funds, Bond Fund and DMC Trust as "Applicants"), filed an application on March 1, 1977 and an amendment thereto on April 28, 1977, for an order, pursuant to Section 11(a) of the Act, to permit the Funds to offer to exchange their shares for shares of DMC Trust on a basis other than their relative net asset value per share at the time of the exchange, and, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act and Rules 22d-1 and 22d-2 thereunder in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Management, as principal underwriter for the Funds, Bond Fund, and DMC Trust, maintains a continuous offering of the shares thereof at their respective net asset values plus a sales charge. At present, the applicable sales charge for the Funds varies with the quantity purchased in the transaction as follows:

Size of transaction at offering price:	*Sales charge as percentage of offering price*
Less than $10,000	8.5
$10,000 but under $25,000	8.0
$25,000 but under $50,000	6.5
$50,000 but under $100,000	4.5
$100,000 but under $250,000	3.5
$250,000 but under $500,000	2.5
$500,000 but under $1,000,000	2.0
$1,000,000 and over	1.0

The sales charges for DMC Trust and Bond Fund are as follows:

Size of transaction at offering price:	*Sales charge as percentage of offering price*
Less than $100,000	4.5
$100,000 but under $250,000	3.5
$250,000 but under $500,000	2.5
$500,000 but under $1,000,000	2.0
$1,000,000 and over	1.0

Applicants propose to offer shares of each of the Funds to shareholders of DMC Trust on the basis of their relative net asset values at the time of exchange plus the applicable sales load described in the prospectus of the Fund being acquired, less the sales charge paid on such DMC Trust shares at the time that they were originally acquired. Exchanges between DMC Trust and Bond Fund will be made at net asset value. Applicants assert that an investor acquiring shares of one of the Funds through an exchange of shares of DMC Trust purchased at the reduced sales charges would, therefore, pay approximately the same overall sales charge that he would have paid had he purchased the same number of shares of one of the Funds directly.

Applicants further state that purchases of shares of the Funds by investors who have redeemed DMC Trust shares within the previous 30 days, pursuant to their one-time reinvestment privilege, will also include sales charges equal to the difference between the sales charges that were paid on the DMC Trust shares that were redeemed and the applicable sales charges on the shares of the Fund being acquired with the proceeds of such redemptions. Such reinvestment privilege, described in the current prospectus for DMC Trust, permits the reinvestment of such proceeds in DMC Trust or Bond Fund at no additional sales charge, and in any of the Funds with only the adjustment to equalize the sales charges described above.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end company or any principal underwriter thereof to make or cause to be made an offer to the shareholders of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter thereof

shall sell any redeemable security issued by such company to any person except at a current offering price described in the company's prospectus. Rule 22d–1 provides an exemption from Section 22 (d) to the extent necessary to permit the sale of redeemable securities of a registered investment company at prices which reflect reductions in or elimination of the sales load under certain stated circumstances. Rule 22d–2 provides, subject to certain conditions, for a further exemption from the provisions of Section 22(d) to the extent necessary to permit, without sales charge, reinvestment in shares of such a company of the proceeds of a redemption of the same company's shares where the reinvestment takes place within 30 days of the redemption, or the purchase with such proceeds of shares of another investment company which offers to exchange its shares for shares of the company whose shares had been redeemed without any sales charge.

Applicants state that the purpose of the proposed exchange offers is to permit a shareholder of DMC Trust who changes his investment objective to change his investment to a different investment company without paying the full sales charge otherwise applicable. Applicants further state that the exchange offers to shareholders of DMC Trust cannot fairly be made at the relative net asset value of the Fund to be acquired because the shareholder of DMC Trust may have paid a substantially smaller sales load on his investment than similarly situated investors of the Fund to be acquired. Applicants assert that if shares of the Funds could be acquired by a shareholder of DMC Trust at net asset value in an exchange, the purpose and spirit of Section 22(d) of the Act might be violated since an investor thereby would be able to purchase shares of one of the Funds at a sales charge other than that described in a Fund's Prospectus merely by purchasing shares of DMC Trust and subsequently exchanging those shares at net asset value for shares of one of the Funds.

Section 6(c) provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 26, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–19860 Filed 7–11–77;8:45 am]

[Administrative Proceeding File No. 3–5240]

AMERICAN AIRLINES, INC.

Application and Opportunity for Hearing

JULY 6, 1977.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Bankers Trust Company under certain existing indentures involving American Airlines, Inc. ("American") hereinafter described and under an Indenture of Mortgage and Deed of Trust dated as of May 20, 1977 (the "New Indenture") of American not to be qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under the New Indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under such qualified indenture and such other indenture are not so likely to involve a material conflict of interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges the following:

(1) As an inducement to the lenders which hold certain outstanding unsecured promissory notes of American hereinafter described to enter into amendments of such notes requested by American, American agreed to enter into an indenture (which is the New Indenture) granting a mortgage on certain aircraft and engines owned by American as security for such notes. The New Indenture secures the notes issued under the following loan agreements:

(a) Loan Agreement dated November 1, 1955 with an institutional investor, as amended, relating to American's 4 percent Promissory Notes due November 1, 1996 (upon which, effective September 1, 1964, interest became payable at the rate of 4¼ percent) issued in the original principal amount of $75,000,000, of which $50,000,000 remain outstanding;

(b) Loan Agreements dated September 1, 1956 with institutional investors, as amended, relating to American's 4¼ percent Promissory Notes due November 1, 1996 (upon a portion of which, effective May 1, 1966, interest became payable at the rate of 4.55 percent) issued in the original principal amount of $60,000,000, of which $40,000,000 remain outstanding;

(c) Loan Agreements dated June 18, 1959 with institutional investors, as amended, relating to American's 5 percent Promissory Notes due November 1, 1996 issued in the original principal amount of $30,000,000, of which $20,000,000 remain outstanding;

(d) Loan Agreements dated December 30, 1960 with institutional investors, as amended, relating to American's 5¾ percent Promissory Notes due November 1, 1996 issued in the original amount of $60,000,000, of which $40,000,000 remain outstanding;

(e) a Loan Agreement dated August 9, 1961 with an institutional investor, as amended, relating to American's 5¾ percent Promissory Notes due November 1, 1996 issued in the original principal amount of $25,000,000, of which $16,666,667 remain outstanding; and

(f) Loan Agreements dated December 10, 1965 with institutional investors, as amended, relating to American's 5⅛ percent Promissory Notes due January 1, 1991 issued in the original principal amount of $110,000,000, of which $77,000,000 remain outstanding.

Copies of each of such Loan Agreements and such notes were filed as Exhibit A to the Applicant's Application, dated June 6, 1977, under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. The collateral under the New Indenture presently consists of three Boeing Model 747–123 Aircraft and 19 McDonnell Douglas Model DC–10 Aircraft. Under certain circumstances additional aircraft and/or engines must be subjected to the lien of the New Indenture, all as provided in the New Inden-

ture. A copy of the New Indenture was filed as Exhibit B to the Applicant's Application, dated June 6, 1977, under Section 310(b)(1)(ii) of the Act, and is incorporated herein by reference.

(2) Applicant has appointed Bankers Trust Company, a New York corporation, to act as trustee under the New Indenture.

(3) Bankers Trust Company presently is acting as trustee under the following indentures of American: (a) a trust agreement dated as of October 20, 1967 ("1967 Indenture"), (b) a trust agreement dated as of September 15, 1969 ("1969 Indenture"), (c) a trust indenture and mortgage dated as of June 1, 1970, as amended and supplemented ("1970 Indenture"), (d) a trust agreement dated as of November 15, 1971 ("1971 Indenture"), (e) a trust indenture and mortgage dated as of April 1, 1975 ("1975 Indenture"), (f) a trust indenture and mortgage dated as of April 1, 1976 ("First 1976 Indenture"), (g) a trust indenture and mortgage dated as of May 1, 1976 (the "Second 1976 Indenture"), and (h) an equipment trust agreement dated as of March 1, 1977, as amended by an amendment thereto dated as of May 13, 1977 and supplemented by a first supplemental equipment trust agreement dated as of May 15, 1977 ("1977 Indenture"), relating to the financing of twenty-seven Boeing Model 727–223 aircraft, two Boeing Model 727–223 aircraft, seven Boeing Model 747–123 aircraft, two McDonnell Douglas Model DC–10 aircraft, six Boeing Model 727–223 aircraft, five Boeing Model 727–223 aircraft, three Boeing Model 727–223 aircraft and twelve Boeing Model 727–223 aircraft, respectively, leased or conditionally sold to American. 6½ percent Equipment Trust Loan Certificates were issued under the 1967 Indenture in the original principal amount of $114,371,636.03, of which $74,461,846.12 remain outstanding; final payment is due on January 1, 1987. 9½ percent Equipment Trust Loan Certificates were issued under the 1969 Indenture in the original principal amount of $9,079,642.40, of which $6,155,742.00 remain outstanding; final payment is due July 29, 1984. Guaranteed Loan Certificates, Series A, B, Interim C, Second Interim C and C, were issued under the 1970 Indenture and remain outstanding in the following respective principal amounts: $47,850,000.00 original principal amount of 11 percent Series A, due December 1, 1988, presently outstanding in the principal amount of $39,439,000.00; $31,800,000.00 original principal amount of 10⅞ percent Series B, due December 1, 1988, presently outstanding in the principal amount of $26,147,000.00; $15,564,000.00 original principal amount of 9½ percent Interim Series C, due June 1, 1989, none of which is presently outstanding; $15,689,000.00 original principal amount of 9½ percent Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000.00 original principal amount of 10 percent Series C, due June 1, 1989, presently outstanding in the principal amount of $26,633,000.00. 9¼ percent Equipment Trust Loan Certificates were issued under the 1971 Indenture in the original principal amount of $19,513,754.67, of which $17,796,339.27 remain outstanding. 11⅝ percent Equipment Trust Loan Certificates were issued under the 1975 Indenture in the original principal amount of $32,031,409.80, of which $29,549,799.17 remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,039,261.05, of which $12,977,262.00 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,778,166.51, all of which remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,392,164.42, of which $7,922,561.22 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,833,855.48, all of which remain outstanding. Interim Equipment Trust Certificates were issued under the 1977 Indenture in the original principal amount of $25,934,625.20, none of which is presently outstanding, 8¼ percent Equipment Trust Certificates, due August 1, 1982, were issued under the 1977 Indenture in the original principal amount of $12,256,862.55, all of which remain outstanding; and 8.95 percent Equipment Trust Certificates, due August 1, 1992, were issued under the 1977 Indenture in the original principal amount of $25,000,229.11, all of which remain outstanding; in addition, the 1977 Indenture contemplates the issuance of additional 8¼ percent Equipment Trust Certificates, due August 1, 1982, in an aggregate principal amount of up to $19,609,804.51, and additional 8.95 percent Equipment Trust Certificates, due August 1, 1992, in an aggregate principal pay amount of up to $39,997,968.77.

Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1967 Indenture were filed as Exhibit 2 to American's Application dated March 3, 1970 under Section 310(b)(1)(ii) of the Act in connection with American's Registration Statement on Form S–7 under the Securities Act of 1933 (No. 2–37401) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1969 Indenture were filed as Exhibit 3 to such Application dated March 3, 1970 and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to American's Registration Statements under the Securities Act of 1933 (Nos. 2–37401, 2–38352 and 2–39380) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1971 Indenture were filed as Exhibit A to American's Application dated March 25, 1975 under Section 310(b)(1)(ii) and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1975 Indenture were filed as Exhibit A to American's Application dated April 2, 1976 under Section 310(b)(1)(ii) of the Act and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the First 1976 Indenture were filed as Exhibit A to American's Application dated June 8, 1976 under Section 310(b)(1)(ii) of the Act and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the Second 1976 Indenture were filed as Exhibit A to the Applicant's Application dated March 2, 1977 under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. Copies of the equipment trust agreement dated as of March 1, 1977 relating to the interim certificates issued under the 1977 Indenture were filed as an exhibit to an amendment to American's Application dated March 2, 1977 under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference; copies of the amendment thereto dated as of May 15, 1977 and of the first supplemental equipment trust agreement and other documents (combined as a single document) setting forth the other terms and provisions governing the certificates issued and which may be issued under the 1977 Indenture were filed as Exhibit C to the Applicant's Application dated June 6, 1977 under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. The 1970 Indenture is qualified under the Act and the Commission has determined in response to applications of American that the trusteeships of Bankers Trust Company under the other indentures of American referred to above are not so likely to involve a material conflict of interest as to make it necessary to disqualify Bankers Trust Company from acting as trustee under such indentures.

(4) The certificates issued under the 1967 Indenture, the 1969 Indenture, the 1970 Indenture, the 1971 Indenture, the 1975 Indenture, the First 1976 Indenture (which in the case of the Long Term Certificates are also secured by the let-

ter of credit referred to in the First 1976 Indenture), the Second 1976 Indenture (which in the case of the Long Term Long Certificates are also secured by the purchase obligation of C.I.T. Corporation referred to in American's Application dated June 8, 1976 under Section 310(b)(1)(ii) of the Act) and the 1977 Indenture and the indebtedness secured by the New Indenture are secured by separate lots of identified Aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under any other trust. Thus, the existence of the other trusteeships should in no way inhibit or discourage the trustee's actions.

(5) American is not in default under any of its equipment obligations or promissory notes.

The Applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 31, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may seem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19883 Filed 7-11-77;8:45 am]

[Rel. No. 9843, 811-903]

MIDWEST SECURITIES INVESTMENT, INC.

Notice of Filing of Application

JULY 6, 1977.

Midwest Securities Investment, Inc. ("Fund" or "Applicant"), 702 Harries Building, Dayton, Ohio 45402, registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified management investment company, filed an application on January 24, 1977 pursuant to Section 8(f) of the Act for an order of the Commission declaring that the Fund has ceased to be an investment company.

On June 6, 1977, a notice was issued (Investment Company Act Release No. 9805) of the filing of the application. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed, and the Commission has not ordered a hearing.

The matter has been considered, and it is found that Applicant has ceased to be an investment company. Accordingly,

It is ordered, pursuant to section 8(f) of the Act, that the registration of Midwest Securities Investment, Inc. under the Act shall forthwith cease to be in effect.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19914 Filed 7-11-77;8:45 am]

[Release No. 34-13716; File No. SR-DTC-77-5]

DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended, by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on June 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change permits Participants of The Depository Trust Company (DTC) to exercise conversion options on certain securities deposited with DTC which are subject to such options. Under the proposed procedures, Participants will be able to take advantage of conversion options without withdrawing the certificates evidencing such securities from DTC.

The proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-77-5.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to permit DTC's Participants to take advantage of conversion options through DTC. Conversion options are available to holders of certain debt securities and preferred stocks. The DTC conversion procedure enables Participants to exercise conversion options on certain qualified debt securities and preferred stocks without withdrawing the securities from DTC.

The proposed rule change relates to DTC's carrying out the purposes of section 17A of the Securities Exchange Act of 1934 (the Act) by encouraging immobilization of certificates evidencing securities subject to conversion options.

Comments regarding the proposed conversion procedures were solicited from DTC Participants by articles in DTC's newsletters of March 1977, April 1977 and May 1977. Draft procedures for the proposed service, similar to the procedures set forth in Exhibit 2 to the filing, were sent to Participants who asked to review draft procedures. A written comments in ressponse to the Newsletter articles was received from Lewco Securities Corp. and is attached as Exhibit 3 to the filing.

DTC believes that no burden will be placed on competition by the proposed rule change.

On or before August 16, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77-19915 Filed 7-11-77;8:45 am]

[Release No. 34-13718; File No. SR-MSRB-76-9]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 29, 1977, the above-mentioned self-regulatory organization filed with the Securities and Ex-

change Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Municipal Securities Rulemaking Board (the "Board") is filing amendments to the Board's proposed rule G-15[1] as set forth below (hereinafter referred to as the "proposed amendments").

The proposed amendments would require municipal securities professionals to include the time of execution of municipal securities transactions on customer confirmations, or a statement on such confirmations that the information is available upon written request of the customer. Municipal securities professionals would be required to furnish the requested information within specified time periods. The proposed amendments would also provide for a delayed effective date and make minor technical language changes.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed amendments is to require municipal securities professionals to include on customer confirmations the time of execution of municipal securities transactions or a statement on such confirmations that the time of execution will be furnished upon written request of the customer. Municipal securities professionals would be required to furnish such information within five business days after receipt of a request, except in the case of transactions executed more than 30 calandar days preceding the date of receipt of a request, in which instance the information would have to be sent within 15 business days.

In submitting proposed rule G-15 to the Securities and Exchange Commission (the "Commission"), the Board noted that the rule would not require disclosure of time of execution and recommended that the Commission make a corresponding modification in Commission rule 15c1-4 relating to customer confirmations. Subsequently, the Commission proposed rule 10b-10 to replace rule 15c1-4. In doing so, the Commission called particular attention to the fact that the proposed rule would require time of execution to be disclosed. (See Securities Exchange Act Release No. 12806 (Sept. 16, 1976) at 14.) Thereafter, in adopting rule 10b-10, the Commission concluded that, with respect to debt securities,

> the time of a transaction may on occasion be of sufficient materiality to warrant its disclosure upon request and, since the time of a transaction is required to be maintained under Commission and MSRB recordkeeping rules, there appears to be little burden created solely by advising customers that information on time is available on request. Securities Exchange Act Release No. 13508 (May 5, 1977) at 20.

The proposed amendments reflect further Board consideration of the requirement to disclose time of execution. The Board has concluded that there may be situations in which time of execution of a municipal transaction is relevant to a customer, especially in those circumstances in which market prices change significantly in the course of a day. The Board also believes that only a minimal burden to municipal securities professionals will result from requiring such professionals to furnish time of execution to customers upon request, given the fact that the time of execution must be maintained as part of the Board's recordkeeping requirements.

The proposed amendments would delay the rule's effective date until 90 days following Commission approval. This period is intended to provide municipal securities brokers and municipal securities dealers time to make procedural and programming adjustments to comply with the rule's requirements.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 2, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

Rule G-15. Customer Confirmations.[2]

(a) At or before the completion of a transaction in municipal securities with or for the account of a customer, each broker, dealer or municipal securities dealer shall give or send to the customer a written confirmation of the transaction containing the following information:

(i) Through (v) No change.

(vi) Trade date *and time of execution, or a statement that the time of execution will be furnished upon written request of the customer;*

(vii) No change.

(viii) Yield to maturity and resulting dollar price, except in the case of securities which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown (in cases in which securities are priced to call, this must be stated, *and* [;] where a transaction is effected on a yield basis, the calculation of dollar price shall be to the lower of price to call or price to maturity);

(b) No change.

(c) No change.

(d) No change.

(e) *The information concerning time of execution referred to in paragraph (a) (vi) of this rule shall be given or sent to the customer within five business days following the date of receipt of a request for such information; provided, however, that in the case of information relating to a transaction executed more than 30 calendar days prior to the date of receipt of a request, the information shall be given or sent to the customer within 15 business days following the date of receipt of the request. For purposes of this rule, the time of execution of a transaction shall be the time of execution reflected in the record of the broker, dealer or municipal securities dealer pursuant to rule G-8 of the Board or rule 17a-3 of the Commission.*

(f) [(e)] For purposes of this rule, the term "customer" shall mean any person other than a broker, dealer or municipal securities dealer acting in its capacity as such.

(g) *The requirements of this rule shall become effective on ----------, 1977 (90 days following the date of approval of the rule by the Commission).*[3]

[FR Doc.77-19303 Filed 7-11-77;8:45 am]

[Release No. 34-13721; File No. SR-PSD-77-2]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29,16 (June 4, 1975), notice is hereby given that on June 21, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change seeks to revise the current stock loan fees to Pacific Securities Depository Trust Company participants. The proposed rule change eliminates the fifty cent transaction charge applicable to stock loan movements while concurrently increasing the value portion of the stock loan charge from five cents per thousand dollars of loan value per day to eight cents per thousand dollars of loan value per day. Additionally, the procedure of remitting the cash value of stock loans

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[1] Proposed rule G-15 was filed with the Securities and Exchange Commission on August 9, 1976. (See File No. SR-MSRB-76-9). Rule G-15 is not yet in effect.

[2] *Italics* indicate new language; [brackets] indicate deletions.

[3] Parentheses indicate explanatory material. Such material will be deleted when the specific date described is determined.

to participants on the day following the stock loan has been modified such that the funds will be remitted to participants on the same day the stock loan is generated.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is intended to simplify the method of charging participants for stock loan activity to one type of fee. Because elimination of the transaction charge reduces the revenue stream to PSD, the value charge has been increased to offset this reduction and provide additional revenues for operations.

The proposed rule change relates to the equitable allocation of dues, fees and other charges among participants.

Comments on the proposed rule change have not been solicited, and none have been received.

The proposed rule change would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-named self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 2, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77-19904 Filed 7-11-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1345]

WISCONSIN

Declaration of Disaster Loan Area

Fond du Lac, Dodge, and Waukesha Counties and adjacent counties within the State of Wisconsin constitute a disaster area as a result of damage caused by high winds and tornadoes which occurred on May 31, 1977 through June 5, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 6, 1977, and for economic injury until the close of business on April 5, 1978, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 5, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-19879 Filed 7-11-77;8:45 am]

INVESTMENT COMPANIES

License Surrenders

Notice is hereby given that the corporations listed below which have been in the process of surrender for diverse periods of time since 1976, have surrendered their licenses to operate as small business investment companies under the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.):

Name	Location	Licensed	License No.
ABCO Equity Funds, Inc.	Beverly Hills, Calif.	May 21, 1964	09/11-0041
Fresno Small Business Investment Co.	Fresno, Calif.	Nov. 13, 1961	09/12-0033
New Frontier Investment Co.	Enid, Okla.	June 8, 1962	06/10-0065
New York Enterprise Capital Corp.	Irvington, N.J.	Oct. 23, 1961	02/02-0[illegible]

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the licenses is accepted herewith and, accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 6, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-19945 Filed 7-11-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CANNED TOMATOES AND CANNED TOMATO CONCENTRATES FROM ITALY

Final Countervailing Duty Determination

AGENCY: United States Customs Service, Treasury Department.

ACTION: Final Negative Determination.

SUMMARY: This notice is to advise the public that it has been determined that the Government of Italy has not given benefits which are considered to be bounties or grants upon the manufacture production or exportation of canned tomatoes and canned tomato concentrates within the meaning of the U.S. countervailing duty law.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, (202-566-5492).

SUPPLEMENTARY INFORMATION: On January 14, 1977, a notice of "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (42 FR 3044-45). The notice stated that, on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47 (c)), it had been preliminarily determined that the provisions of the Italian law which are the subject of the allegations did not constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The notice stated that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in written form and received not later than February 14, 1977. After consideration of all information received, some of which was submitted subsequent to the preliminary determination, it has been determined, contrary to the preliminary determination, that the provisions of the Italian law which is the subject of the allegations and which basically provided for payments for stockpiling and price support were utilized by the tomato processing industry. However, such payments were small in size. The authority for the administration of this program expired on November 20, 1975.

The law establishing the program also provided for the disbursement of all funds appropriated but not spent on the 1975 crop. These residual funds were to be used for future general qualitative improvements and protection of production for Italian tomato growers. However, no payments have been made since this provision became effective at the end of the 1975 crop.

Accordingly, it is hereby determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production, or exportation of canned tomatoes and canned tomato concentrates imported directly from Italy.

This notice is published pursuant to section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 13, May 17, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

PETER O. SUCHMAN,
Deputy to the General Counsel, Tariff Affairs.

JULY 5, 1977.

[FR Doc.77-19894 Filed 7-11-77;8:45 am]

NON-RUBBER FOOTWEAR FROM ARGENTINA

Preliminary Countervailing Duty Determination

AGENCY: Customs Service, U.S. Treasury.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: This notice is to inform the public that it has been determined preliminarily that a bounty or grant is being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of non-rubber footwear from Argentina. A final determination will be made no later than February 11, 1978. Interested persons are invited to submit written comments on this preliminary determination on or before August 11, 1977.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On February 11, 1977, a notice of "Receipt of Information and Reinstitution of Countervailing Duty Investigation" was published in the FEDERAL REGISTER.

The notice stated that information was received which tends to indicate that bounties or grants are being paid or bestowed, directly or indirectly, by the Government of Argentina upon the manufacture, production or exportation of dutiable non-rubber footwear from Argentina within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by Argentine manufacturers/exporters of non-rubber footwear which may constitute bounties or grants within the meaning of the Act.

The benefits include the payment of a rebate upon exportation of the non-rubber footwear. A part of the rebate consists of a return of indirect taxes paid during various stages of production. These indirect taxes are of a kind that are directly related to the product and their rebate is regarded as permissible under the statute.

The remainder of the rebate, however, appears to be a return of taxes which are not directly related to the manufacture or production of the product under consideration. Consequently, this portion of the rebate appears not to be justified under the statute, and its payment appears to constitue a bounty or grant within the meaning of the Act.

A final decision in this case is required on or before February 11, 1978. Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than August 11, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved:

PETER O. SUCHMAN,
Deputy to the General Counsel (Tariff Affairs).

JULY 6, 1977.

[FR Doc.77-19895 Filed 7-11-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY TESTING COMMITTEE

Meeting

This notice is intended to advise all interested persons of the TSCA Interagency Testing Committee meeting established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

The Committee will meet Thursday, July 14, 1977, at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place, Washington, D.C. The purpose of this meeting will be to discuss Phase II methodologies. Dr. James Brydon, Director, Environmental Impact Control Directorate, Ottawa, Ontario, Canada, and several of his colleagues, have been invited to exchange views with the ITC on the U.S. and Canadian ranked toxic chemical lists. The TSCA/ITC will finalize its interim report. The public is invited.

There will not be a meeting July 21, 1977.

On Thursday, July 28, 1977, the TSCA/ITC will meet at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place NW. Speakers have been invited to discuss animal toxicity testing and ecological testing capabilities. Meeting open to the public. Contact Phyllis Tucker, 202-382-2027 for additional information.

Dated: July 11, 1977.

WARREN R. MUIR,
Chairman, TSCA Interagency Testing Committee.

[FR Doc.77-20294 Filed 7-11-77;10:43 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 432]

ASSIGNMENT OF HEARINGS

JULY 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponments of hearings in which they are interested.

MC-C-9237, Henry Edwards, d.b.a. Henry Edwards Trucking Company -v- Paschall Truck Lines, Inc. now assigned September 8, 1977 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 140345 (Sub-4), Hoke Bus Lines, Inc., now assigned August 1, 1977 at Columbus, Ohio is cancelled and reassigned October 17, 1977 (1 week) at Lima, Ohio, in a hearing room to be later designated.

MC 28060 Sub 34, Willers, Inc., d.b.a. Willers Truck Service now assigned July 11, 1977 at Omaha, Nebraska, is postponed to a date to be hereafter fixed.

MC 82079 Sub No. 47, Keller Transfer Line, Inc., now being assigned October 4, 1977 (3 days) for hearing in Lansing, Michigan, in a hearing room to be later designated.

MC 23889 (Sub-No. 335), Dallas & Mavis Forwarding Co., Inc., MC 83539 (Sub-No. 450), C & H Transportation Co., Inc., MC 95376 (Sub-No. 196), Anderson Trucking Service, Inc., MC 111-545 (Sub-No. 231), Home Transportation Co., Inc., MC 113855 (Sub-No. 368), International Transport, Inc., and MC 124947 (Sub-No. 51), Machinery Transports, Inc. now assigned August 1, 1977, at Chicago, Ill. will be held in Courtroom 1003, Everett McKinley Dirksen Building, 219 South Dearborn Street instead of Room 348, 230 South Dearborn Street.

MC 127187 (Sub-No. 22), Floyd Duenow, Inc., now being assigned September 13, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 133689 (Sub-No. 90), Overland Express, Inc., now being assigned September 14, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 140829 (Sub-No. 32), Cargo Contract Carrier Corp., now being assigned September 15, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 103066 Sub 54, Stone Trucking Company now being assigned October 14, 1977 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 844, Pre-Fab Transit Co. now being assigned October 12, 1977 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC 30844 (Sub-No. 577), Kroblin Refrigerated Xpress, Inc., MC 117815 (Sub-No. 261), Pulley Freight Lines, Inc., and MC 118202 (Sub-No. 68), Schultz Transit, Inc., now being assigned September 16, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 124813 (Sub-No. 162), Umthun Trucking Co., now being assigned September 19, 1977 (1 week), at St. Paul, Minn., in a hearing room to be later designated.

MC 52566 Sub 5, New England-New York Transport, Inc. now being assigned October 26, 1977 (3 days) at Hartford, Connecticut, in a hearing room to be later designated.

MC 143142, Garfield and Sargent, Inc. now being assigned October 31, 1977 (1 week) at Boston, Massachusetts, in a hearing room to be later designated.

AB-18 (Sub-21), Chesapeake and Ohio Railway Company Abandonment of Carferry Service Across Lake Michigan Between Ludington, Michigan and Kewaunee, Milwaukee and Manitowoc, Wisconsin and AB-31 Sub-5), Grand Truck Western Railroad Company & The Grand Truck Milwaukee Carferry Company Abandonment of its Lake Michigan Carferry Operation, from Eastern Port of Muskegon to Western Port of Milwaukee in Muskegon County, Michigan and Michigan, Wisconsin, now being assigned pre-hearing conference August 4, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 (Sub 770), National Trailer Convoy, Inc., now being assigned October 13, 1977 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC 110525 (Sub 1186), Chemical Leaman Tank Lines, Inc. now being assigned July 29, 1977 (1 day) at Louisville, Kentucky and will be held in Room 273, Federal Building, Federal Plaza.

MC 125777 (Sub-No. 185), Jack Gray Transport, Inc., now being assigned October 5, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 142974 (Sub-No. 1), Sure Transport, Inc., now being assigned October 4, 1977, for prehearing conference at Interstate Commerce Commission in Washington, D.C.

MC 109397 (Sub-No. 354), Tri-State Motor Transit Co., now being assigned October 6 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 106644 (Sub-No. 232), Superior Trucking Co., Inc., now being assigned October 12, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 113678 (Sub 654), Curtis, Inc., now being assigned October 13, 1977 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 5470 (Sub 121), Tajon, Inc., now being assigned October 11, 1977, (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 119726 (Sub 80), N.A.B. Trucking Co., Inc., now being assigned October 12, 1977 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 98864 (Sub-No. 2), Edward Sitar Trucking Co., Inc., now assigned September 7, 1977, at Chicago, Ill. is postponed to October 26, 1977 (3 days), at Chicago, Ill., in a hearing room to be later designated.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-19816 Filed 7-11-77;8:45 am]

[Notice No. 433 [1]]

ASSIGNMENT OF HEARINGS

JULY 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 108341 (Sub-No. 57), Moss Trucking Company, Inc., now being assigned September 7, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-19817 Filed 7-11-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 6, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 27, 1977.

FSA No. 43393—*Paraxylene from points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-693), for interested rail carriers. Rates on paraxylene, in tank-car loads, as described in the application, from Baytown and Houston, Texas, to Eastman, South Carolina and Kingsport, Tennessee.

Grounds for relief—Market competition.

Tariff—Supplement 20 to Southwestern Freight Bureau, Agent, tariff 11-H, I.C.C. No. 5242. Rates are published to become effective on August 3, 1977.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-19818 Filed 7-11-77;8:45 am]

[Notice No. 191]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before August 11, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77169, filed June 29, 1977. Transferee: ARTHUR T. MULVIHILL doing business as BLOOMINGTON CARTAGE AND DELIVERY SERVICE, 1154 Orchard Place, St. Paul, Minn. 55108. Transferor: Freddie Ahrenstorff, doing business as Ahrenstorff Transfer, Lake Park, Iowa. Applicants' representative: James R. Bettenburg, Attorney-at-Law, 2395 University Ave., St. Paul, Minn. 55114. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC-20729, issued February 19, 1962, as follows: General commodities, with the usual exceptions, between points in Jackson County, Minn.,

[1] This notice corrects Docket Number.

and points in Nobles County, Minn., on and east of Minnesota Highway 60, on the one hand, and, on the other, points in Dickinson County, Minn., and points in Osceola Couty, Iowa, on and east of U.S. Highway 59. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77184, filed June 22, 1977. Transferee: FRANCIS L. HOFFMAN doing business as BUD HOFFMAN MOVERS, 93 Vernon Ave., Yonkers, N.Y. Transferor: L. LARSEN, INC., 93 Vernon Ave., Yonkers, N.Y. Applicants' representative: Sidney J. Leshin, Attorney at Law, 575 Madison Ave., New York, N.Y. 10022. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-91484, issued October 17, 1949, as follows: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points and places in New York, New Jersey, and Connecticut. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77187, filed June 21, 1977. Transferee: MCE TRANSPORTATION CO., INC., 1640 Penfield Rd., Rochester, N.Y. 14625. Transferor: Sterritt Trucking, Inc., P.O. Box 367, West Coxsackie, N.Y. 12192. Applicants' representative: S. Michael Richards, Raymond A. Richards, 44 North Ave. (P.O. Box 225), Webster, N.Y. 14580. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-134653 Sub-2, issued January 19, 1972, as follows: *Pre-cast, pre-stressed structural concrete products*, from Pittsfield, Mass., to points in New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Unistress Corporation, of Pittsfield, Mass. Transferee presently holds no authority from this Commission. Application has been filed for temporory authority under Section 210a(b).

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-19814 Filed 7-11-77;8:45 am]

[No. 36609]

PRODUCERS GRAIN CROP

Petition for Investigation—Revenue Divisions for Grain Moving to Corpus Christi

June 29, 1977.

Producers Grain Corporation (petitioner), a cooperative engaged in the marketing of agricultural commodities, has petitioned the Commission for an investigation upon the Commission's own initiative into the division of revenues among rail common carriers serving Corpus Christi, Texas. The request for investigation is supported by the Nueces County Navigation District No. 1 (a political subdivision operating the Port of Corpus Christi and by the Transportation Services Branch of USDA's Agricultural Marketing Service. The Atchison, Topeka & Santa Fe Railway Company opposes the requested investigation.

Petitioner's interest extends to corn, wheat, grain sorghums, and soybeans moving to Texas ports for export. The principle carriers participating in this export traffic are The Atchison, Topeka & Santa Fe Railway Company, the Chicago, Rock Island and Pacific Railroad Company, the St. Louis-San Francisco Railway Company, the Missouri Pacific Railroad Company, and the Southern Pacific Transportation Company. Certain of these carriers have recently established rate reductions on grain traffic moving to Texas ports other than Corpus Christi. However, according to petitioner, the inability of the carriers to agree upon just, reasonable, and equitable divisions of revenues has precluded the extension of comparable reductions for export traffic moving to Corpus Christi. The maintenance of rate levels higher for Corpus Christi than for competing Texas ports is alleged to be contrary to the Interstate Commerce Act as well as the Commission's orders in No. 31098, *Nueces County Nav. District No. 1* v. *Abilene & S. Ry. Co.*, 291 I.C.C. 459 (1954), and No. 33447, *Nueces County Nav. Dist. No. 1* v. *Atchison, T. & S. F. Ry. Co.*, 315 I.C.C. 155 (1961). Petitioner requests that the Commission institute an investigation under Sections 15(3) and 15(6) of the Act.

In opposing the institution of the investigation, The Atchison, Topeka & Santa Fe Railway Company states that petitioner's request for an investigation on the Commission's own initiative constitutes a collateral attack upon the decisions in Investigation and Suspension Docket No. 9052, Wheat, New Mexico and Texas to Texas Ports, Investigation and Suspension Docket No. 9132, Wheat, Kansas and Oklahoma to the Texas Gulf Ports, and related cases. Additionally, this carrier suggests that petitioner does not have a valid interest in the division of revenues for traffic moving to its Corpus Christi facilities and that petitioner's request is without legal foundation.

Interested parties are invited to comment upon the issues raised by the request for an investigation. An original and six copies of any comments should be addressed to the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and should refer to the No. 36609 proceeding. Comments may be filed by August 2, 1977. A copy of this Notice shall be served upon the rail common carriers named above.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-19815 Filed 7-11-77;8:45 am]

[Notice No. 87]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

July 5, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One Copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 13134 (Sub-No. 47TA), filed June 20, 1977. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Ohio State Route No. 93 North, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk). From the plantsite and warehouse facilities of Certain-Teed Corporation located in Erie County, Ohio to points in Kentucky, West Virginia and points in Pennsylvania on and west of U.S. Highway 219, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper David H. Silvernail, Manager Truck Transportation, S.M.G. Transportation

Department, Certain-Teed Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 51146 (Sub-No. 502TA), filed June 17, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film, plastic sheeting*, and cloth in mechanically refrigerated vehicles, from Plainfield, Conn., and Holyoke and Lowell, Mass., to Appleton and Beaver Dam, Wis., restricted to traffic originating at the above origins and destined to the facilities of Ray-O-Vac, a division of ESB, Inc. in Appleton and Beaver Dam, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ray-O-Vac Division, ESB Inc., 101 E. Washington, Avenue, Madison, Wis. 53703, (Earl L. Stevens). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 504TA), filed June 22, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Malt beverages and related advertising materials*, and returned empty malt beverage containers between South Volney, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York (Interstate), and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller Brewing Company, 4000 West State Street, Milwaukee, Wis. 53208. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 55896 (Sub-No. 53TA), filed June 16, 1977. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from the plant site and warehouse facilities of the Certain-Teed Corporation located in Erie County, Ohio to points in Indiana, Kentucky, New York, Pennsylvania, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certain-Teed Corporation, Manager Truck Transportation, David Silvernail, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 59247 (Sub-No. 10TA), filed June 27, 1977. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Road, P.O. Box 169, Linden, N.J. 07036. Applicant's representative: William Biederman, Southgate Tower, 371 7th Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans, aluminum, and the return of packing materials and refused or rejected shipments* from the plant site and warehouse of Reynolds Aluminum Co., at or near Woodbridge and Carteret, N.J., to the plant site of Millers Brewery at or near South Volney, N.Y., for 180 days. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, Va. 23261. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 83539 (Sub-No. 460TA), filed June 27, 1977. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral products*, in bags (except commodities in bulk, in tank vehicles), for 180 days. Supporting shipper: Industrial Mineral Ventures, Inc., 5920 McIntyre Street, Golden, Colo. 80401. Send protests to: Transportation Assistant, Opal M. Jones, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 108393 (Sub-No. 117TA) (correction), filed April 6, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas applicances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, from Newark, Ohio, to Evansville, Ind., under a continuing contract or contracts with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, Director of Corporate Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604. The purpose of this republication is to add the rest of the territorial description and to add the supporting shipper and send protests to, which was previously omitted.

No. MC 111274 (Sub-No. 27TA), filed June 8, 1977. Applicant: SCHMIDGALL TRANSFER, INC., Box 356, R.R. No. 2, Morton, Ill. 61550. Applicant's representative: Frederick C. Schmidgall (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and fencing materials, farm buildings, materials and components of farm buildings*, between Morton, Illinois on the one hand, and, all points in Mississippi on the other, under a continuing contract or contracts with Morton Buildings, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Buildings, Inc., Lyle Malinowski, Plant Manager, 252 W. Adams, Morton, Ill. 61550. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 113106 (Sub-No. 47TA), filed June 27, 1977. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Carteret and Jersey City, N.J., to Philadelphia, Pa., Sandtown, Marydell and Wilmington, Del., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. George Eline, General Traffic Manager, Metro Containers, Kraft Incorporated, 1099 Wall Street West, Lyndhurst, N.J. 07071. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 118159 (Sub-No. 215TA), filed June 16, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sterling, Colo., to points in Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York and Pennsylvania, for 180 days. Supporting shipper: Sterling Colorado Beef Co., 1500 Right of Way, Sterling, Colo. 80751. Send protests to: Dis-

trict Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 119726 (Sub-No. 99TA), filed June 23, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Indianapolis, Ind. 46217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, from Des Moines, Iowa to Tipton, Rushville, Mt. Vernon, Flora, and Worthington, Ind.; and Lauringberg, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Great Plains Bag Corporation, 2201 Bell Avenue, Des Moines, Iowa. Send protests to: William S. Ennis, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 119793 (Sub-No. 151), filed June 24, 1977. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th St., Joplin, Mo. 64801. Applicant's representative: Harry Ross, 58 South Main, Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and roofing supplies* (except liquid in bulk in tank vehicles), from Little Rock, Ark., to Missouri, Kansas, and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Corporation—Roofing Division, P.O. Box 1300, Little Rock, Ark. 72203. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124887 (Sub-No. 36TA), filed June 20, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board*, from the facilities of the Flintkote Co. at Savannah, Ga., to points in Alabama, Tennessee, North Carolina, South Carolina, Florida, Virginia, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Co., 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 124939 (Sub-No. 13TA), filed June 17, 1977. Applicant: FOOD HAUL, INC., 1215 West Mound St., Post Office Box 23394, Columbus, Ohio 43223. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Columbus, Ohio, to the stores of The Great Atlantic & Pacific Tea Company, Inc., located at or near Barboursville, Pineville, Middlesboro, Harlan, Cumberland, Whitesburg, Neon, Hazard, Winchester, Irvine, Richmond, Danville, Somerset, Shelbyville, Frankfort, Versaille, and Lexington, Ky., under a continuing contract or contracts, with The Great Atlantic & Pacific Tea Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., 2 Paragon Drive, Montvale, N.J. 07645. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125770 (Sub-No. 11TA), filed June 23, 1977. Applicant: SPIEGEL TRUCKING, INC., 1000 South 4th Street, Harrison, N.J. 07029. Applicant's representative: Joel J. Nagel, 19 Back Drive, Edison, N.J. 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty seavans, chassis, and trailers*, between the seaports of the City of New York; Port Newark, N.J.; Philadelphia, Pa.; Baltimore, Md.; Norfolk, Va., and Boston, Mass., under a continuing contract, or contracts, with Container Transport International, Inc., for 180 days. Supporting shipper: Container Transport International, Inc., 1 Western Union International Plaza, New York, N.Y. 10004. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 126904 (Sub-No. 22TA), filed June 7, 1977. Applicant: H. C. PARRISH TRUCK SERVICE, INC., R.F.D. No. 2, Box 264, Freeburg, Ill. 62243. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramac, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter, empty malt beverage containers, and pallets*, between Detroit, Mich., and Milwaukee, Wis., on the one hand, and, on the other, points in St. Clair, Monroe, Randolph, Madison, Marion, and Perry Counties, Ill., and between Milwaukee, Wis., and Madison County, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Chuck Lefholz, General Manager, Vesci, Inc., R.F.D. No. 1, Box 578, Granite City, Ill. 62040; Bill Haynes, President, Haynes Distributing Co., No. 35 Conalco, Jackson, Tenn. 38301. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 128633 (Sub-No. 15TA), filed June 20, 1977. Applicant: LAUREL HILL TRUCKING CO., 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: William J. Augello, 120 Main Street (P.O. Box Z), Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Infant food formula* (liquid and powder, in cans and bottles) *and related products* from Mason, Mich. to Secaucus, N.J.; Baltimore, Md.; Malverne, Pa.; Andover, Mass.; Memphis, Tenn., and Atlanta, Ga., under a continuing contract or contracts with Wyeth Laboratories, for 180 days. Supporting shipper: Wyeth Laboratories, P.O. Box 861, Paoli, Pa. 19301. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 129124 (Sub-No. 14TA), filed June 22, 1977. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, Pa. 16881. Applicant's representative: Herbert R. Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in the counties of Clearfield and Jefferson, Pa., to points in the state of Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Thomas Bros. Coal Co., Inc., Grampian, Pa. 16838; McDonald Coal Co., Inc., Grampian, Pa. 16838; Hepburnia Coal Co., Grampian, Pa. 16838. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 129290 (Sub-No. 3TA), filed June 27, 1977. Applicant: MACKINAW CO., 1500 Pine Street, Essexville, Mich. 48732. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plantsite of Aetna Cement Corp. at Essexville, Mich., to the port of entry on the United States-Canada boundary at or near Sault Sainte Marie, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lake Ontario Cement, Ltd., Toronto, Ontario, Canada M5B 1J6. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 134467 (Sub-No. 20TA), filed June 20, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 72764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery*

mixes and frosting mixes (not frozen), *edible flour N.O.I., and bakery products including jellies, fillings, and donut sugar toppings* (not frozen), *and donut equipment* (except commodities in bulk), from the plantsite and storage facilities of Dawn Donut Co., Inc., at or near Jackson, Mich., to points in Arkansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Dawn Donut Co., Inc., 2031 Micor Drive, Jackson, Mich. 49203. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136006 (Sub-No. 6TA), filed June 17, 1977. Applicant: WALLKILL AIR FREIGHT CORP., R.D. No. 3, Box 5, Wallkill, N.Y. 12589. Applicant's representative: (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air between Newark Airport, N.J., on the one hand, and, on the other, points in Ulster, Orange, Dutchess, and Sullivan Counties, N.Y. for 180 days. Supporting shipper: There are 51 statements of support attached to the application which may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Building, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 136285 (Sub-No. 25TA), filed June 23, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., 413 Gordon Ave., Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Savannah, Ga., to points in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Camp Corp., 1600 Valley Rd., Wayne, N.J. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 136605 (Sub-No. 28TA), filed June 23, 1977. Applicant: DAVIS BROS. DIST., INC. 2024 Trade Street P.O. Box 8058 Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Natural building stone* from Sanders County, Mont., to King County, Wash., for 180 days. Supporting shipper: Thomas E. Weadock, President, Basin Enterprises, Box 57, Oakley, Idaho 83346. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 136711 (Sub-No. 30TA) (partial correction), filed June 3, 1977. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, 2840 S. High St., Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112.

NOTE.—The purpose of this partial correction is to show Docket No., file date, and name of carrier, which was previously omitted before.

No. MC 138000 (Sub-No. 30TA), filed June 17, 1977. Applicant: ARTHUR H. FULTON, Post Office Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered clay* (except in bulk), from Whitlock, Tenn., and its commercial zone to Chelsea, Mich., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: LRI Industries, Inc., 11770 Dexter Road, Chelsea, Mich. 48118. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 139170 (Sub-No. 6TA), filed June 9, 1977. Applicant: FRANK W. MADDEN CO., 1288 E. Archwood Avenue, Akron, Ohio 44306. Applicant's representative: James E. Davis, 611 W. Market Street, Akron, Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete building components and accessory parts*, from points in Portage County, Ohio, to Keyser, W. Va.; Pittsburgh, Bedford, Windber, Gallitzen, New Brighton, Kane, Oil City, Grove City, DuBois and Wilmerding, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spancrete NE, Inc., P.O. Box 236, Aurora, Ohio 44202. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 141813 (Sub-No. 3TA), filed June 23, 1977. Applicant: MILTON G. JANSSEN, doing business as Janssen Transportation, Route 2, Box 433, Delta, Colo. 81416. Applicant's representative: Milton G. Janssen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* mined in Garfield County, Colo., to rail sidings in Meso County, Colo. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Black Hawk Coal Co., Box 1555, Grand Junction, Colo. 81501. Send protest to: Herbert C. Ruoff, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 142096 (Sub-No. 3TA), filed June 27, 1977. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 W. Mitchell St., Milwuakee, Wis. 53215. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (non-alcoholic), in containers, from Watertown, Wis., to Galesburg, Peoria, Rockford, Rock Island, and Sterling, Ill.; Cedar Rapids, Clinton, Davenport, Decorah, Dubque, and Muscatine, Iowa; Escanaba, Houghton, Iron Mountain, Marquette, Newberry, and Sault Ste. Marie, Mich., and Mankato and Rochester, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wis-Pack, Inc., Watertown, Wis. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, Wis. 53202.

No. MC 143197 (Sub-No. 1TA), filed June 23, 1977. Applicant: BONDED MAIL DELIVERY SERVICE, INC., 2040 Prospect Avenue, Erie, Pa. 16510. Applicant's representative: Robert B. McCullough, 416 Marine Bank Building, Erie, Pa. 16501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment parts* used in jet aircraft in packages not exceeding 60 pounds in weight, between the General Electric Plant, Erie County, Pa., and points in the states of New York, Ohio, and Michigan, under a continuing contract or contracts with General Electric Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Electric Co., 2901 E. Lake Road, Erie, Pa. 16531. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 143236 (Sub-No. 2TA), filed June 23, 1977. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and commodities* sold in toy stores, between Moonachie Piscataway, Passaic, Elizabeth, Bayonne, and Paterson, N.J.; Bayshore, Mt. Vernon, Mellville, Ellenville, and New York, N.Y.; East Meadow and Salem, Mass.; West Haven, Bridgeport, Enfield, Conn., on the one hand, and, on the other, the warehouse facilities of Toys R US located at or near Bensenville, Ill.; Melvindale, Mich.; Houston, Tex.; San Jose and Compton, Calif. Restricted to the transportation of shipments originating at the named origins and destined to the named destinations, for 180 days. Supporting shipper: Toys R US, 299 Market Street, Saddle Brook, N.J. 07662. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143320 (Sub-No. 1TA), filed June 6, 1977. Applicant: RICHARD P. MILLER, doing business as Potawatomi Trails, 51585 Winding Waters Lane, Elkhart, Ind. 46514. Applicant's representative: Richard P. Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screws, hinges, knobs, pulls, bolts, and hardware*. From the plantsite of GM Distributors, Inc., GM Industrial Corp., at or near Elkhart, Ind., to Woodland and Anaheim, Calif., Denver, Colo., and Newton, Kans., under a continuing contract or contracts with GM Distributors, Inc., GM Industrial Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G.M. Distributors, Inc., G.M. Industrial Corp., 55356 C.R. 15 South, Elkhart, Ind. 46514. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143321 (Sub-No. 1TA), filed June 9, 1977. Applicant: JADAN, INC., P.O. Box 3070, South Bend, Ind. 46619. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, Inc. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and bathtubs, shower stalls, and related fixtures*, from Nappanee, Ind., to points in California, Colorado, Idaho, Nevada, Oregon, Washington, and Utah. Restricted to a contract or continuing contracts with Vitreous Steel Products Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vitreous Steel Products Co., P.O. Box 150, Nappanee, Ind. 46550. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143356R (Sub-No. TA), filed June 22, 1977. Applicant: MIRACLE MOTOR SERVICE LTD., 1825 N. California, Chicago, Ill. 60647. Applicant's representative: Michael Parisi, 5915½ Irving Park Road, Chicago, Ill. 60634. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, Chicago, Ill., to points in states of Wisconsin and Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Abitibi Corporation, Donald R. Roarty, Manager-Traffic, 3250 W. Big Beaver Rd., Troy, Mich. 48084. Send protests to: Transportation Assistant Patricia A. Roscoe, Inter-State Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, Ill. 60604.

No. MC 143313TA, filed June 17, 1977. Applicant: SAVICK TRUCKING SERVICE, INC., 9116 Pawnee Road, Homerville, Ohio 44235. Applicant's representative: Edwin F. Savick (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal and poultry*, in bag, in bulk, or bag, bulk combined, and animal health aids and sanitation products. From the plant site of Allied Mills, Inc., located in Fort Wayne, Ind., to all points in the state of Ohio, under a continuing contract or contracts with Allied Mills, Inc., for 180 days. Supporting shipper: Allied Mills, Inc., P.O. Box 599, Worthington Station, Columbus, Ohio 43085. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 143415TA, filed June 22, 1977. Applicant: WHOLESALE DELIVERY SERVICE (1972) LTD, 2830 Norland Avenue, Burnaby, British Columbia V5B 3A6. Applicant's representative: Martin Fallick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, Between the International Boundary of the U.S. and Canada, located near Blaine, Wash., and 5 miles beyond the city limits of Blaine, Wash., and/or including the city limits of Blaine itself; and points within the greater Vancouver, B.C. area, for 180 days. Supporting shippers: Pac-Can Exports, Inc., 2nd & "C" St., P.O. Box 1236, Blaine, Wash. 98230. First Washington Net Factory, Fourth Street, P.O. Box 310, Blaine, Wash. 98230. Associated Freight Forwarders, 1100 Yew Avenue, Blaine, Wash. 98230. Exports, Inc., 810 Peace Portal Drive, Blaine, Wash. 98230. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 143416TA, filed June 20, 1977. Applicant: ALLTRANS EXPRESS, INC., 1096 29th Avenue S.E., Minneapolis, Minn. 55414. Applicant's representative: James F. Finley, 301 Midwest Federal Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and related materials, supplies, and parts of such commodities* when their transportation is incidental thereto from points in the Minneapolis/St. Paul, Minnesota Commercial Zone to points in Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clecon, Incorporated, 601 Taft Street N.E., Minneapolis, Minn. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 143418 (Sub-No. 1TA), filed June 23, 1977. Applicant: JIM ALLGOOD TRUCKING, 1301 West Clinton, Tulare, Calif. 93274. Applicant's representative: Lucy Kennard Bell, 707 Wilshire Blvd., Suite 1800, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Coal*, in bulk, from the Coastal States Energy Company coal unloading station located at or near Nipton, Calif., to the Mojave Power Station located at or near Davis Dam, Nev., under a continuing contract, or contracts, with Coastal States Energy Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coastal States Energy Company, 5 Greenway Plaza East, Houston, Tex. 77046. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143420TA, filed June 24, 1977. Applicant: HANDEY TRANSIT, INC., P.O. Box 127, Highway 45, Elcho, Wis. 54428. Applicant's representative: Colin Handeyside (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, pallet parts and pallet related goods*, from Elcho, Wis., to points in Northern Illinois and Chicago and from Elcho, Wis., to Minneapolis and St. Paul, Minn., under a continuing contract or contracts with Northern Lakes Pallet, Inc., for 180 days. Supporting shipper: Northern Lakes Pallet, Inc., P.O. Box 206, Elcho, Wis. 54428, (Robert J. Seetan). Send protests to Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 143421TA, filed June 23, 1977. Applicant: GRAVEL TRUCKERS, INC., P.O. Box 5602, Macon, Ga. 31208. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in bulk, from Barbour and Henry Counties, Ala., to the plantsite of Mullite Company of America at or near Andersonville, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mullite Company of America, Mulcoa Division, P.O. Box 37, Andersonville, Ga. 31711. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtreet St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 143422TA filed June 22, 1977. Applicant: HAMM'S TRANSFER &

STORAGE CO., INC., 893 Hub Drive, Panama City, Fla. 32401. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Astron Forwarding Co., 1660 Factor Ave., San Leandro, Calif. 94577. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19944 Filed 7-11-77;8:45 am]

[Notice No. 192]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application

JULY 12, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77193. By application filed June 30, 1977, SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03101, seeks temporary authority to transfer the operating rights of D & G Transporation, Inc., 20 Cameron Street, Clinton, MA 01510, under section 210a (b). The transfer to Sav-on Transportation, Inc., of the operating rights of D & G Transportation, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19943 Filed 7-11-77;8:45 am]

sunshine act meetings

CONTENTS

1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., July 7, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Docket 30240, Petition of Aviation Consumer Action Project for Rulemaking to Amend Part 241 to require the airlines to report and to classify as non-operating expenses all expenditures for lobbying and institutional advertising.

2. Docket 30704, Application of Trans World Airlines, Inc., for approval under Section 412 of the Federal Aviation Act of 1958 of an agreement between it and British Airways dated March 31, 1977, regarding new contract cargo rates, bulk specific commodity rates and container specific commodities rates, in U.K.-U.S. directional markets.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary (202-673-5068).

SUPPLEMENTARY INFORMATION: At the July 5, 1977, Board meeting, the time allotted for the meeting did not permit discussion of all items on the agenda. In order not to delay consideration of the remainder of the items, the following Members voted that agency business required that the Board meet on them at the earliest possible time and that no earlier announcement of the meeting was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

[S-848-77 Filed 7-7-77;3:13 pm]

2

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., July 14, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Port of Portland will make a presentation to the Board regarding their operations and will present slides showing Portland International Airport and their two general aviation airports.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, Secretary (202-673-5068).

[S-849-77 Filed 7-7-77;3:13 pm]

3

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

DELETION OF ITEMS FROM JULY 5, 1977, MEETING AGENDA

REVISED AGENDA

TIME AND DATE: 10 a.m., July 5, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of Items Adopted By Notation.[1]

2. Discussion of Regulatory Reform legislation currently before Congress.

3. Docket 27891, EDR-301, Advance Notice of Proposed Rulemaking to amend Part 234 to establish mandatory on-time arrival standards for certificated route air carriers (petition for rulemaking instituted by Aviation Consumer Action Project).

4. Docket 23315, *Delta-Northeast Merger Case* (petition of Juanita Wells to compel arbitration of labor dispute) and Docket 22690, *Caribbean-Atlantic Airlines, Inc., Eastern Airlines, Inc., Acquisition Case* (petition of Jose Dones to compel arbitration of labor dispute).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202-673-5068).

SUPPLEMENTARY INFORMATION: At the July 5, 1977, Board meeting, the time allotted for the meeting did not permit discussion of all items on the agenda. Accordingly, the following members voted that agency business required that Items 5 and 6, Docket 30240 Petition of Aviation Consumer Action Project and Docket 30704, Application of Trans World Airlines, Inc., be deleted from the agenda and no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

[S-850-77 Filed 7-7-77;3:13 pm]

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428) following the meeting.

4

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 2 p.m., Wednesday, July 13, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following agenda item should be deleted:

Agenda, Item No., and Subject

Broadcast—2—Discussion of licensing standards for FM noncommercial educational stations.

Consideration of the above matter is now scheduled for July 21, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 7, 1977.

[S-845-77 Filed 7-7-77;3:13 pm]

5

AGENCY HOLDING THE MEETING: Federal Communications Commission.

PREVIOUSLY ANNOUNCED TIMES AND DATES OF MEETINGS: 9:30 a.m. (Open), follows the Open Meeting (Closed), Tuesday, July 12, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open and Closed Commission Meetings.

CHANGES IN THE MEETINGS: These meetings have now been rescheduled for Wednesday, July 13, 1977. The open meeting will commence at 2 p.m., and will be followed by the closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 7, 1977.

[S-846-77 Filed 7-7-77;3:13 pm]

6

AGENCY HOLDING THE MEETING: Federal Communications Commission.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Tuesday, July 12, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following agenda item was inadvertently listed and should be deleted:

Agenda and Item No., Subject

Safety and Special Radio Services—2—Amendment of Part 83 of the rules regarding the installation of VHF transmitting apparatus and the performance of transmitter measurements (Docket No. 21028).

Action on the above item has been completed by the Commission on July 1, 1977, via the Notation Action procedure.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 6, 1977.

[S-847-77 Filed 7-7-77; 3:13 pm]

7

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 2 p.m., July 14, 1977.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

APPLICATIONS OR REQUESTS PURSUANT TO SECTION 19 OF THE FEDERAL DEPOSIT INSURANCE ACT FOR THE CORPORATION'S CONSENT TO SERVICE OF PERSONS CONVICTED OF OFFENSES INVOLVING DISHONESTY OR A BREACH OF TRUST AS DIRECTORS, OFFICERS, OR EMPLOYEES OF INSURED BANKS

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 352b(c)(6)).

RECOMMENDATIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Case No. 43,105-L—Franklin National Bank, New York, New York.
Case No. 43,109-SR—American Bank & Trust Company, New York, New York.
Case No. 43,113-NR—United States National Bank, San Diego, California.
Case No. 43,114—Farmers Bank of the State of Delaware, Dover, Delaware.
Case No. 43,113-NR—United States National Bank, San Diego, California.
Case No. 43,116-L—The Morrice State Bank, Morrice, Michigan.
Case No. 43,118-L—Franklin National Bank, New York, New York.
Case No. 43,119-SR—American Bank & Trust Company, New York, New York.
Case No. 43,122-L—Franklin National Bank, New York, New York.
Case No. 43-123-L—International City Bank and Trust Company, New Orleans, Louisiana.
Case No. 43,124-L—Franklin National Bank, New York, New York.
Case No. 43,126-L—First State Bank of Northern California, San Leandro, California.
Case No. 43,130-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

PERSONNEL ACTIONS REGARDING APPOINTMENTS, PROMOTIONS, ADMINISTRATIVE PAY INCREASES, REASSIGNMENTS, RETIREMENTS, SEPARATIONS, REMOVALS, ETC.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S-853-77 Filed 7-7-77;4:46 pm]

8

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 2:15 p.m., July 14, 1977.

PLACE: Room 635, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

APPLICATION FOR FEDERAL DEPOSIT INSURANCE

Southwestern State Bank, to be located at 500 Ninth Street, Alamogordo, Otero County, New Mexico.

APPLICATION FOR CONSENT TO MOVE MAIN OFFICE

Walnutport State Bank, Walnutport, Northampton County, Pennsylvania, from Main Street to the intersection of Main Street and Pennsylvania Route 145, within Walnutport, Northampton County, Pennsylvania.

APPLICATION FOR CONSENT TO ESTABLISH BRANCHES

Southern Bank of Lee County, Smiths, Lee County, Alabama, at 1001 University Drive, Auburn, Lee County, Alabama.

Montana Bank of Belgrade, Belgrade, Gallatin County, Montana, at 98 N. Broadway, Belgrade, Gallatin County, Montana.

Centinel Bank of Taos, Taos, New Mexico, on North Pueblo Road (Highway 3), Taos, Taos County, New Mexico.

APPLICATION FOR CONSENT TO MOVE MAIN OFFICE AND TO ESTABLISH ONE BRANCH

Kennedy Bank and Trust Company, Bethesda, Montgomery County, Maryland, to move its main office from 6400 Goldsboro Road to 6410 Rockledge Drive, within Bethesda, Montgomery County, Maryland, and to retain the present main offices as a branch.

APPLICATION FOR CONSENT TO MERGE AND ESTABLISH BRANCHES

Elkton Banking and Trust Company of Maryland, Elkton, Maryland, an insured State nonmember bank, for consent to merge with The Citizens National Bank of Harve de Grace, Havre de Grace, Maryland, under the charter of Elkton Banking and Trust Company of Maryland and with the title "County Banking and Trust Company," and to establish the two offices of The Ctiizens National Bank of Havre de Grace as branches.

Anchor Savings Bank, New York (P.O. Brooklyn), New York, an insured mutual savings bank, for consent to merge with North New York Savings Bank, White Plains, New York, an insured mutual savings bank, under the charter and title of Anchor Savings Bank, and to establish the five offices of North New York Savings Bank as branches of the resultant bank.

APPLICANT FOR FINANCIAL ASSISTANCE UNDER SECTION 13(c) OF THE FEDERAL DEPOSIT INSURANCE ACT

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

RECOMMENDTIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Case No. 43,110-SR—American Bank & Trust Company, New York, New York.
Case No. 43,121-L—Tri-City Bank, Warren, Michigan.
Case No. 43,127-L—Bank of Woodmoor, Woodmoor (P.O. Monument), Colorado.
Case No. 43,132-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

RECOMMENDATIONS WITH RESPECT TO THE INITIATION OF CEASE-AND-DESIST PROCEEDINGS OR TERMINATION-OF-INSURANCE PROCEEDINGS AGAINST CERTAIN INSURED BANKS

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S-854-77 Filed 7-7-77;4:47 pm]

9

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 2:30 p.m., July 14, 1977.

PLACE: Board Room, Sixth Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

DISPOSITION OF MINUTES OF PREVIOUS MEETINGS

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

The Savigns Bank of Tolland, Tolland, Tolland County, Connecticut, at the intersection of Routes 31 and 44A, Coventry, Tolland County, Connecticut.

The Long Island Savings Bank, Long Island City, Queens County, New York, at 839-104 New York Avenue (Big H Shopping Center (Unincorporated Area)), Town of Huntington, Suffolk County, New York.

APPLICATION FOR CONSENT TO MOVE MAIN OFFICE AND TO ESTABLISH ONE BRANCH

The Equitable Trust Company, Baltimore (Independent City), Maryland to move its main office from the Munsey Building at Calvert and Fayette Streets to 100 S. Charles Street, within Baltimore (Independent City), Maryland, and to retain the present main office as a branch.

APPLICATION FOR CONSENT TO ESTABLISH FIVE REMOTE SERVICE FACILITIES (ELECTRONIC BRANCHES)

Buffalo Savings Bank, Buffalo, Erie County, New York, in Bells Supermarkets at 2222 Seneca Street, Buffalo, Erie County, New York; 3079 Bailey Avenue, Buffalo, Erie County, New York; Central Park Plaza, Buffalo, Erie County, New York; 2160 Genesee Street, Buffalo, Erie County, New York; and 2330 Niagara Falls Boulevard, Tonawanda, Erie County, New York.

RECOMMENDATION REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Memorandum re: Centennial Bank, Philadelphia, Pennsylvania.

RECOMMENDATIONS WITH RESPECT TO PAYMENT FOR LEGAL SERVICES RENDERED AND EXPENSES INCURRED IN CONNECTION WITH RECEIVERSHIP AND LIQUIDATION ACTIVITIES

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Schall, Boudreau & Gore, Inc., San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

White and Steele, Denver, Colorado, in connection with the liquidation of Bank of Woodmoor, Monument, Colorado.

Beggs & Lane, Pensacola, Florida, in connection with the liquidation of International City Bank & Trust Company, New Orleans, Louisiana.

Lemle, Kelleher, Kohlmeyer & Matthews, New Orleans, Louisiana, in connection with the liquidation of International City Bank & Trust Co., New Orleans, Louisiana.

Daner, Freeman, McKenzie & Matthews, Mount Clemens, Michigan, in connection with the liquidation of Tri-City Bank, Warren, Michigan.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Baker & Botts, Houston, Texas, in connection with the receivership of Sharpstown State Bank, Houston, Texas.

Ross & Stevens, S.C., Madison, Wisconsin, in connection with the liquidation of Algoma Bank, Algoma, Wisconsin.

Gibbs, Roper, Loots & Williams, Milwaukee, Wisconsin, in connection with the liquidation of American City Bank & Trust Co., N.A., Milwaukee, Wisconsin.

RECOMMENDATIONS WITH RESPECT TO THE IMPOSITION OF FINES FOR THE UNTIMELY FILING OF REPORTS OF CONDITION, SEPTEMBER 30, 1976

REPORTS OF COMMITTEES AND OFFICERS

Minutes of the actions approved by the Committee on Liquidation, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding the transmittal of "no significant effect" competitive factor reports.

Report of the Division of Liquidation with respect to the status of the Hamilton National Bank of Chattanooga, Chattanooga, Tennessee, from April 16, 1977 through June 16, 1977.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports with respect to security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S-855-77 Filed 7-7-77;4:47 pm]

10

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, July 14, 1977 at 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings.
II. Correction and approval of minutes—June 30, 1977.
III. Advisory opinion—A. AO 1977-25.
IV. Appropriations and budget (budget status report).
V. Pending legislation.
VI. Liaison with other Federal agencies.
VII. Report on requirements of 2 U.S.C. 439.
VIII. Litigation.
IX. Agency job classification actions.
X. Personnel policy—Memorandum number 1369.
XI. Review of 1977 management plan.
XII. Routine administrative matters.

PORTIONS TO BE CLOSED TO THE PUBLIC: Executive session. A. Compliance; B. Audits No. 2, No. 4, and No. 6; C. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, Telephone: 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-842-77 Filed 7-7-77;2:27 pm]

11

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., July 13, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public. Dockets 236-A and 236-B, *Gila River Pima-Maricopa Indian Community*. Dockets 357-A, *Pueblo of Taos*.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, Tel. 202-653-6184.

[S-856-77; Filed 7-8-77;10:01 am]

12

AGENCY HOLDING MEETING: United States Parole Commission—National Appeals Board (the three Commissioners so designated pursuant to 18 U.S.C. 4204(a)(5)).

TIME AND DATE: Tuesday, July 5, 1977; 4:00 p.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552b(c)(10), 552b(c)(6), and 552b(c)(7)(A) and (c).

MATTERS TO BE CONSIDERED: By unanimous vote on July 5, 1977 the National Appeals Board determined pursuant to 5 U.S.C. 552b(e)(1) and § 16.204(b) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. On July 1 the Commission was advised of the immediate need to modify a parolee's parole condition and July 5, 1977 was the only date the National Appeals Board Members would be available to effectuate timely modification.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, NAB, 202-724-3094.

[S-844-77; Filed 7-7-77;3:13 pm]

13

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be printed July 8, 1977).

PREVIOUS ANNOUNCED TIME AND DATE: July 12, 1977, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Open meeting.

SUBJECT: Consideration by the Commission of a recommendation that it issue for public comment (1) a revised version of proposed Rule 206(4)-4 under the Investment Advisers Act of 1940, which would require investment advisers to deliver to their clients and prospective clients certain information about the adviser, (2) a revised and expanded Form ADV, the investment adviser registration form, and (3) a proposed form to be filed annually by investment advisers disclosing whether the adviser is still in business.

CHANGES IN THE MEETING: The above-captioned meeting will be held on Wednesday, July 13, 1977 at 2:30 p.m.

Chairman Williams, Commissioners Loomis and Pollack have voted to approve the above change and have determined that no earlier notice was possible.

JULY 6, 1977.

[S-851-77 Filed 7-7-77;3:13 pm]

14

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: July 7, 1977, 10 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT MATTERS TO BE CONSIDERED: Discussion of confidential material. Institution of administrative proceeding.

Chairman Williams and Commissioners Loomis, Evans and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JULY 7, 1977.

[S-852-77 Filed 7-7-77;3:13 pm]

15

AGENCY HOLDING THE MEETING: Tennessee Valey Authority.

TIME AND DATE: 10:30 a.m., Thursday, July 14, 1977.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—PERSONNEL ACTIONS

1. Change of status—John G. Holmes, Jr., from Assistant to the Manager of Power to Assistant Manager of Power Operations, Chattanooga, Tennessee.

2. Change of status—James P. Darling from Chief, Power Supply Planning Branch, to Assistant Director, Division of Power Resource Planning, Chattanooga, Tennessee.

3. Change of status—Lawrence L. Calvert, Washington Representative, Office of the General Manager, Washington, D.C.

4. Resolution relating to authorization to approve temporary appointments to positions of assistant division director.

5. Resolution relating to TVA Retirement System coverage of employees granted leave without pay for Peace Corps training and volunteer service.

B—CONSULTING AND PERSONAL SERVICE CONTRACTS

1. Renewal of consulting contract with Jones and Stokes Associates, Inc., Sacramento, California—Division of Forestry, Fisheries, and Wildlife Development.

2. Renewal of consulting contract with Dr. Edward C. Raney, Ithaca, New York—Division of Forestry, Fisheries, and Wildlife Development.

3. Renewal of consulting contract with Richard H. Stroud, Washington, D.C.—Division of Forestry, Fisheries, and Wildlife Development.

4. Renewal of consulting contract with John M. Kellberg, Knoxville, Tennessee—Office of Engineering Design and Construction.

5. Renewal of consulting contract with Dr. Ralph B. Peck, Albuquerque, New Mexico—Office of Engineering Design and Construction.

6. Renewal of consulting contract with Francis B. Slichter, Annadale, Virginia—Office of Engineering Design and Construction.

7. Renewal of consulting contract with Dr. Roy W. Carlson, Berkeley, California—Office of Engineering Design and Construction.

8. Renewal of consulting contract with James Chemical Engineering, Greenwich, Connecticut—Office of Agricultural and Chemical Development.

9. Resolution relating to exception to TVA policy relating to age limitation on personal service contractors—William E. Simkin.

C—PURCHASE AWARDS

1. Req. No. 821173—Air handling units for Hartsville and proposed Phipps Bend Nuclear Plants.

2. Req. No. 548779—Crawler cranes for construction pool equipment.

3. Resolution relating to rejection of bids in response to Invitation No. 61-821141 for control rod driving piping systems for Hartsville and proposed Phipps Bend Nuclear Plants.

4. Resolution relating to rejection of bids and award in response to Invitation No. 73-821397 for structural steel for reactor building for Hartsville and proposed Phipps Bend Nuclear Plants.

5. Req. No. 547341—Indefinite quantity term contract for terminals, insulated and uninsulated, tools, and accessories for Bellefonte, Sequoyah, and Watts Bar Nuclear Plants and Raccoon Mountain Project.

6. Req. No. 821923—25-ton auxiliary overhead cranes for Hartsville and proposed Phipps Bend Nuclear Plants.

7. Req. No. 547238—Indefinite quantity term contract for terminals, connectors, lugs, tools, and accessories for Bellefonte, Sequoyah, and Watts Bar Nuclear Plants, and Raccoon Mountain Project.

8. Req. No. 821668—Nonseismic pipe supports for Hartsville and proposed Phipps Bend Nuclear Plants.

9. Req. No. 821338—Condensate demineralizer waste evaporators for Sequoyah and Watts Bar Nuclear Plants.

10. Req. No. 546889—Indefinite quantity term contract for ready-mixed concrete for Cedar Creek Dam.

11. Req. No. 822043—Structural steel containmet vessels for reactor building for proposed Yellow Creek Nuclear Plant, units 1 and 2.

12. Req. No. 141976—Baseline and in-service inspection of reactor vessels for Hartsville Nuclear Plant.

13. Req. No. 543374—Indefinite quantity term contract for high temperature insulation for any TVA project or warehouse.

14. Req. No. 537182—Indefinite quantity term contract for lumber for Hartsville Nuclear Plant.

15. Req. No. 820192—Controls and metering for Hartsville and proposed Phipps Bend Nuclear Plants.

16. Req. No. 107890—Galvanized structural tower steel for various transmission lines.

17. Req. No. 237710—Supplemental material for Browns Ferry Nuclear Plant.

18. Req. No. 44—Barging services for Shawnee Steam Plant.

19. Sales Invitation No. 3603—Sale of construction equipment.

20. Sales Invitation No. 3625—Sale of construction equipment.

D—PROJECT AUTHORIZATION

1. No. 3244—Freeze protection at Cumberland Steam Plant.

2. No. 3239—Replace boiler components for unit 1 at Gallatin Steam Plant.

3. No. 3247—TVA Widows Creek unit 8 wet limestone scrubber research project.

4. No. 3241—Wet-process phosphoric acid pilot plant processes.

E—FERTILIZER ITEMS

None.

F—POWER ITEMS

1. Letter agreement with the city of Memphis, Tennessee, Memphis Light, Gas and Water Division, for utility relocations—Allen Steam Plant.

2. Resolution relating to change of funding authorization for Contract TV-37304A with American Nuclear Corporation.

3. Option, exploration, lease and purchase agreement among TVA, Ronald Anger as administrator for the estate of Robert G. Rees, and others in connection with uranium properties in Grand County, Utah.

4. Resolution relating to agreement of purchase and settlement among TVA, Arch Coal Company, Eads Coal Company and Arkel Land Company.

5. Resolution relating to exercise of option to purchase Ewing-Northern Coal Association coal rights.

6. Lease and amendatory agreement with Greenville, Tennessee, covering arrangements for 161-kV delivery at TVA's Tusculum 161-kV Substation.

7. Lease and amendatory agreement with Sevierville, Tennessee, covering arrangements for 161-kV delivery at TVA's Pigeon Forge 161-kV Substation.

8. New power contract with Department of the Army, Fort Campbell, Kentucky.

9. New power contract with Alcorn County Electric Power Association.

10. Lease agreement with city of Murfreesboro, Tennessee, for a section of TVA's Murfreesboro-Lebanon 46-kV transmission line—Rutherford County Tennessee.

11. Bill of sale and quitclaim deed to the city of Lewisburg, Tennessee—section of TVA's Lewisburg-Structure 34 (Deenergized) 46-kV Line.

12. Ratification of power rate adjustment approved by Board on May 26, 1977.

13. Experimental residential electric rate schedule for demonstration time-of-day rate test—Knoxville, Tennessee.

G—REAL PROPERTY TRANSACTIONS

1. Resolution relating to abandonment of flowage easement rights affecting 1.6 acres of Boone Reservoir land in Washington County, Tennessee—tract BR-134F.

2. Resolution relating to filling of land purchased by Consolidated Aluminum Company on Kentucky Reservoir—tract XGIR-851.

3. Sale at public auction of permanent industrial easement affecting approximately 67 acres of land in Anderson County, Tennessee (tract XMHR-411E)—Melton Hill Reservoir.

4. Filing of condemnation suits.

H—UNCLASSIFIED

1. Supplemental Memorandum of Agreement between the U.S. Department of Labor and TVA—participation in the Federal Interagency Construction Task Force.

2. Resolution relating to recommendations resulting from Twenty-Sixth Annual Salary negotiations—1977.

3. Resolution relating to proposed salary adjustment for positions of secretaries to members of the Board of Directors.

4. Resolutions relating to proposed salary adjustments for management and physician schedules.

5. Resolution relating to settlement agreement with General Electric Company in connection with contract disputes.

6. Resolution relating to settlement agreement with Farrell Mining Company.

7. Resolution relating to dismissal of civil action against A&T Coal Company, Inc.

8. Amendment to Memorandum of Understanding between the National Institute for Occupational Safety and Health and TVA.

9. Supplemental agreement among TVA, Tennessee Department of Education, and local school systems in the Hartsville Nuclear Plants Project area.

DATED: July 14, 1977.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to request for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-343-4537.

[S-857-77 Filed 7-8-77;10:01 am]

16

AGENCY HOLDING MEETING: Civil Service Commission.

TIME AND DATE OF MEETING: 9 a.m., July 19, 1977.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Continuation of discussion of Recommendations of the Task Force of Merit Staffing Review Recommendations.

(2) Experiments in delegating to agencies administration of examinations and maintenance of registers.

(3) Code of Conduct for Commissioners.

(4) Procedure for handling Noncareer executive appointments.

CONTACT PERSON FOR MORE INFORMATION:

Georgia Metropulos, Office of the Executive Assistant to the Commissioners (202-632-5556).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[S-865-77 Filed 7-11-77;11:00 am]

TUESDAY, JULY 12, 1977

PART II

federal register

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

NATIONAL DIRECT STUDENT LOAN PROGRAM; COLLEGE WORK-STUDY PROGRAM; SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM; AND BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Definition of Independent Student

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 175, 176, and 190]

NATIONAL DIRECT STUDENT LOAN PROGRAM, COLLEGE WORK-STUDY PROGRAM, SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM, AND BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Definition of Independent Student

AGENCY: Office of Education, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following amendments to the regulations defining the independent student under the Basic Educational Opportunity Grant Program, the Supplemental Educational Opportunity Grant Program, the College Work-Study Program, and the National Direct Student Loan Program. The proposed regulation sets forth a revised definition of independent student in order to improve equity in the classification of students as dependent or independent for purposes of participation in the Federal student financial aid programs.

DATES: Comments must be received on or before August 26, 1977. Hearings will be held on August 8, 1977 in Washington, D.C. commencing at 10:00 a.m.

ADDRESSES: The hearing will be held at Regional Office Building No. 3 Auditorium, 7th and D Streets SW., Washington, D.C. 20202. Written comments should be sent to Mr. Peter K. U. Voight, Director Division of Basic and State Student Grants, ROB-3, Room 4717, 400 Maryland Avenue SW., Washington, D.C. 20202. Comments will be available for public inspection at the above office, between 8:30 and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Ernst Becker, (202) 245-1744.

SUPPLEMENTARY INFORMATION: These regulations are expected to be in effect during the 1978-79 academic year (20 U.S.C. 1070a, 1070b-1070b-3, 1087aa-ff, 42 U.S.C. 2751-2756).

These amendments are being submitted for public comment. Since the definition of the independent student under the Basic Educational Opportunity Grant Program is embodied in the regulations covering the basis for determining the expected family contribution for dependent and independent students, these amendments will also be submitted for review by both Houses of Congress as required by statute. The regulations to which these amendments are proposed were previously published on June 11, 1976 (41 FR 23874) for the Basic Educational Opportunity Grant Program, November 24, 1976 (41 FR 51957) for the National Direct Loan and the Supplemental Educational Opportunity Grant Program, and September 1, 1976 (41 FR 36884) for the College Work-Study Program.

EXPLANATION OF NEED FOR REGULATIONS

The basic premise for all need-based financial aid programs is that the primary responsibility for financing a student's education rests with the student and his family. The Federal aid is intended to meet those educational costs which remain after the student's resources and an expected contribution from his or her parents have been taken into account. At the same time, there is a category of students who are financially independent of their parents and, as such, cannot expect their parents to bear the cost of their education. The problem of defining an independent student in a manner which will be acceptable and which can be easily administered is an extremely complex issue. Historically, it has been a highly controversial subject in the administration of financial aid.

There is general consensus among financial administrators that any definition of an independent student should meet certain basic requirements:

(a) It should maintain the concept that the primary responsibility for meeting the cost of postsecondary education rests with the student and his family.

(b) It should be based on objective and verifiable criteria, and require the least possible amount of personal information from the student and his family.

(c) It should prevent inequities in the classification of applicants to the fullest possible extent;

(d) It should be readily understood by students and their parents.

During recent years, the definition which is most widely used in awarding Federal, State, and institutional aid defines a student as independent if the student:

1. Has not and will not be claimed as an exemption for Federal Income Tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; or

2. Has not and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; or

3. Has not or will not live for more than two consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

However, program experience has indicated a number of concerns and weaknesses with the present definition. Specifically, there has been increasing concern that the present definition does not support the concept of the parents' responsibility for the post-secondary education of their children. The intent of the present definition may be readily circumvented by those parents who choose not to claim a student as a tax exemption during the base year in order to qualify the student as an "independent" applicant. In addition, the present formula has also been criticized as being arbitrary and unfair to some students. Furthermore, it is difficult to verify the accuracy of most of the information provided in the application form under the present definition.

In view of the serious implications for the future impact on need-based programs, and in particular the Basic Grant Program, it is essential that serious consideration be given to changing the present definition of the independent student. This issue is further underscored by the fact that between 30 and 40 percent of all eligible applicants under the Basic Grant Program are expected to file as independent students during the current and subsequent academic years, and similar trends are evident for the campus-based programs. At the same time, it should be noted that the primary concerns regarding the definition of independent student revolve around questions of improved equity, rather than developing a definition with the purpose of reducing the proportionate share of applicants filing as independent students.

For these reasons, a number of amendments to the current definition are proposed. Specifically, these amendments to the Basic Grant and campus-based student aid programs provide for an extension of the residence limitation from two weeks to six weeks. The six-week period is proposed as a reasonable period of time in which a student can be expected to visit his or her parents without classifying the student as dependent, as frequently would be the case under the present two-week rule. On the other hand, residence with parents which extends for more than six weeks would be considered as an indication of parental support to the student.

In addition, the Federal tax exemption criteria has been extended to apply for two calendar years prior to the academic year for which aid is requested, rather than the one calendar year required under current regulations. This provision is proposed to strengthen the concept of parental responsibility to provide support for the postsecondary education of their children and to reduce the possibility of deliberate evasion of the intended purpose of the definition.

Under the proposed revision of the definition, the criteria concerning the amount of actual financial assistance received from the parents by the student has remained unchanged.

However, it shoud be further noted that the criteria concerning the residence limitation and parental financial assistance will continue to apply for the base year and the subsequent calendar years under the proposed definition, whereas the tax exemption cirteria has been extended to include the year prior to the base year. Consideration has been given to the extension of all of the criteria to cover the year prior to the base year

as well as the base year and year of application. It was determined, however, that the extension to the year prior to the base year of the residence limitation and the parental contribution criteria would have created serious inequities for many applicants and, therefore, would not improve the effectiveness of the definition of independent student. However, because it is generally agreed that the tax exemption criteria is a strong and definitive indicator of financial dependence, the expansion of this criteria is considered to be fair and equitable. For this reason, it was determined that the tax exemption criteria would be extended an additional year in the proposed revision of the definition of independent student.

Under the National Direct Student Loan Program, all veterans will continue to be treated as independent students regardless of their financial relationship to their parents. This special criterion for veterans in determining eligibility for a National Direct Student Loan was enacted in the Education Amendments of 1972, and appears in § 144.2(dd) of the NDSL Interim Regulations published in the FEDERAL REGISTER on November 24, 1976.

It should further be noted that an accurate determination as to whether a student is actually independent of parental financial support essentially requires a detailed review of the financial relationships between the student and his parents. Such an approach could be considered an unnecessary intrusion into the personal and private family relationships by public agencies which would be regarded as unacceptable by many applicants. At the same time, any definition of the independent student which is based on more objective criteria invariably raises questions of equity and fairness regardless of the definition of dependence/independence that may be developed. This issue is of some concern with respect to the Basic Grant Program which is a formula-based program designed to treat all applicants in a standard and consistent manner with a minimum of discretionary intervention.

However, accommodation of potential inequities under the Basic Grant Program is possible by applying discretionary judgments under the campus-based programs for those students for whom parental resources were included in the determination of Basic Grant eligibility, but who in the judgment of the financial aid officer cannot be expected to receive financial support from their parents. In these situations, the expected parental contribution may be waived at the discretion of the financial aid officer in determining eligibility for aid under the campus-based programs. Regulatory authority permitting such discretionary judgments on the part of the financial aid officer is already contained in the regulations governing the campus-based programs. Accommodation of potential inequities through the exercise of professional judgment by the financial aid officer serves to maintain the legislative intent of the individual programs.

SUMMARY OF COMMENTS RECEIVED

The Commissioner published in the FEDERAL REGISTER, Vol. 41, No. 230, Monday, November 29, 1976, a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976 (41 FR 52410). On page 52413, comments were invited concerning the revision of the independent student definition and the possible criteria for determining student dependency. Five public conferences were held at various locations between December 13–17, 1976, at which the Office of Education received comments on this and other issues presented on the Notice. In addition, forty-three written comments were also received through December 30, 1976, concerning the independent student definition.

The possible factors to consider in defining a financially independent student were presented as follows:

1. *Tax Exemption.* Should being claimed as a tax exemption for Federal income tax purposes be used as an indication of dependency?

2. *Marital Status or Dependents.* Should consideration be given to those students who are married or have dependents for whom they provide at least one-half support?

3. *Age.* Should age be a factor in determining dependency, and, if so, what age limit should be established?

4. *Residence.* Is residence at a parent's home an indication of dependency? If so, what limit on the length of residence should be established?

5. *Employment.* When determining a student's independent status, should prior employment history or other visible means of support be required?

6. *Actual Financial Contributions by Parents.* What amount of financial support should disqualify a student from being considered independent?

The following is a summary of the comments received pertaining to these proposed criteria.

The comments received were almost unanimous in their opinion that being claimed as an exemption for Federal Income Tax purposes by someone other than a spouse is an indication of dependency. This criterion is generally agreed to be an objective and readily verifiable determinant of financial dependence. It is also considered to be the strongest indication of a student's financial dependence upon his or her parents. For these reasons, the Federal tax exemption criterion has been retained in the present definition, but has been extended to apply for two calendar years prior to the academic year for which aid is requested, rather than the one calendar year as presently required. This extension is intended to strengthen the tax exemption criterion in order to improve the effectiveness of the definition.

Comments were divided on whether the applicant's marital status or having dependents of his own should be considered in determining dependency. Several commenters felt that the presence of either of these conditions constitutes independence and should be considered in the determination of dependency status. However, many of the comments stated that marriage or having dependents does not necessarily indicate an applicant's independence from parental support. As a number of commenters noted, the fact that a student has recently married and left his or her parent's household should not entitle the student to special consideration as an independent student for purposes of receiving Federal financial aid. The married student or the student with dependents should be required to fulfill the same criteria as all other applicants in determining the financial relationship with his or her parents. Some students may be receiving parental support regardless of their marital status or whether they may have dependents of their own. Therefore, marital status or having dependents cannot be considered a reliable measure of financial independence. For this reason, the regulations were not amended to include these two factors as criteria in determining independent student status.

The majority of commenters felt that age should not be a factor in determining dependency. The age of the applicant does not necessarily preclude dependence or independence from parental support. In addition, several responses questioned the possible legal issues concerning the discriminatory effects of this condition. Establishment of an objective and equitable age level that would be consistent in treatment for the majority of students would be difficult, if not impossible. For these reasons, the definition was not amended to include age as a factor in determining dependence.

Responses were generally mixed concerning whether residency at the home of the parents is an indicator of dependency. Several of the commenters expressed the opinion that living at home does not always mean that a student is financially dependent upon his parents, especially in cases where the student pays room and board to his parents. In contrast, many commenters supported the inclusion of this factor on the basis that extended residence at the home of the parent did, in fact, constitute dependency. In the past, it has been program experience that students who live at home, even if they pay for room and board, are generally subsidized to a significant degree by their parents. Lack of monetary contribution by the parents does not necessarily mean that there is no support. Therefore, it was felt that some limitation on the period of residence with the parents should be retained in the definition. However, many of the commenters in favor of this criterion felt that the present requirement that applicants residing with their parents for two consecutive weeks or more should be considered dependent is too restrictive and that a longer period of residency would be necessary to indicate financial dependence. Therefore, the present definition has been amended to expand the limitation on the period of residency from two weeks to six weeks.

The majority of commenters indicated that an applicant's prior employment

history or verifiable documentation of other means of support should be required for students who wish to be considered independent. However, the regulation was not changed to include this provision. Specifically, in order to make a determination of a student's ability to support himself, the present application form would need to be considerably expanded in order to collect information on all resources available to the student. This would include information on taxable income such as income from employment as well as non-taxable income such as unemployment benefits, welfare benefits, Social Security and Veterans benefits, student financial aid awards, loans, gifts, support in kind, etc. Collection of such data for purposes of establishing the dependency status of an applicant would be cumbersome both from the standpoint of the applicant who must provide this information and for administrative considerations. Further, given the formula nature of the Basic Grant Program, a minimum living alowance standard would need to be established on the basis of which a student would be determined to be self-supporting. Since such a standard could not accommodate unique circumstances of individual applicants, certain inequities in the treatment of applicants would not be alleviated by this approach. In addition, a primary objective of the independent student definition is to determine whether there exists a parental responsibility to provide for the postsecondary education of a child. Evidence of self-support and the degree of that self-support does not necessarily preclude the financial responsibility of the parents.

Finally, most comments agreed that the actual financial contribution by parents should be included as a factor in determining dependency. Although there were a variety of suggested levels of parental support which should be used to determine dependency, most commenters indicated that the current 600 level of actual parental contribution was an objective and equitable amount. Therefore, the definition was not changed with respect to actual contribution by parents.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.418 Supplemental Educational Opportunity Grant Program; No. 13.463 Higher Education Work-Study (College Work-Study Program); No. 13.471 (National Direct Student Loan Program; No. 13.539 Basic Educational Opportunity Grant Program.)

Dated: May 4, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 30, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welare.

1. Part 144 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 144—NATIONAL DIRECT STUDENT LOAN PROGRAM

Section 144.2(dd) is amended to read as follows:

§ 144.2 Definitions.

(dd) "Self-supporting or Independent Student" means a student who is either (1) a veteran as defined in § 144.2(hh) or (2) a student who:

(i) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(ii) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(iii) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent of that parent has died prior to the student's submission of an application for a loan, and if no person, other than the student's spouse, provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested.

* * * * * *

2. Part 175 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 175—COLLEGE WORK-STUDY PROGRAM

Section 175.2(w) is amended to read as follows:

§ 175.2 Definitions.

* * * * * *

(w) "Self-supporting or Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(3) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for employment under the College Work-Study Program, and if no person, other than the student's spouse, provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested.

* * * * * *

3. Part 176 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Section 176.2 (s) is amended to read as follows:

§ 176.2 Definitions.

* * * * * *

(s) "Self-Supporting or Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(3) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for a grant, and if no person, other than the student's spouse, provides or will provide more than one-half of the student support for the first calendar year in which assistance is requested.

* * * * * *

4. Part 190 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

(a) In § 190.32, subparagraph (n)(2) is amended to read as follows:

§ 190.32 Special definitions.

* * * * *

(n) (1) * * *

(2) Notwithstanding the provisions of paragraph (n) (1) of this section, the student's mother or father will be considered the student's parent (i) If, for the calendar year(s) for which aid is received or either or both of the two calendar years prior to the school year for which aid is requested, either claimed or will claim the student as an exemption for Federal income tax purposes, or (ii) if either contributed or will contribute more than $600 to the student in any calendar year(s) for which aid is received or the calendar year prior to the school year for which aid is requested, or (iii) if the student has lived or will live for more than six weeks in their home during any calendar year(s) for which aid is received or the calendar year prior to the school year for which aid is requested.

* * * * *

(b) In § 190.42, paragraph (a) is amended to read as follows:

§ 190.42 Special definitions.

* * * * *

(a) (1) A student qualifies as an independent student if the student:

(i) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(ii) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(iii) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

(2) Notwithstanding subparagraph (1) of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for a grant, and if no person, other than the student's spouse, provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested.

(3) Notwithstanding subparagraph (1) of this paragraph, a student qualifies as an independent student if, (i) the student's parent is not his mother or father but is the person, other than the student's spouse, who provided more than one-half of his support in the base year [190.32(n)], and (ii) that parent does not or will not provide one-half support during the first calendar year for which aid is requested.

* * * * *

[FR Doc.77-19363 Filed 7-11-77;8:45 am]

Federal Register

TUESDAY, JULY 12, 1977
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 190]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Family Contribution Schedules are the formulas used in determining student eligibility on the basis of financial need for the Basic Educational Opportunity Grant Program. The legislation governing the program requires that these schedules be submitted annually for public comment and for review by both Houses of Congress. The amendments to the Family Contribution Schedules included in this notice of proposed rulemaking are intended to address concerns which have been identified regarding various aspects of the formulas.

DATES: Comments must be received on or before August 26, 1977.

ADDRESSES: Comments should be addressed to: Mr. Peter K. U. Voigt, Director, Division of Basic and State Student Grants, U.S. Office of Education, Room 4717, ROB-3, 7th & D Streets, S.W., Washington, D.C. 20202. Comments received will be available for inspection at the above address between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. Ernst Becker, 202-245-1744.

SUPPLEMENTARY INFORMATION: The family size offsets included in the Family Contribution Schedules are intended to provide for basic family subsistence expenses which must be met before any contribution toward a student's educational costs can be expected. In order to establish a standard for determining the amount of these subsistence expenses, the Basic Grant Program adopted, during its initial year of operation, the "Weighted Average Thresholds at Low Income Level" published by the Bureau of the Census. These expenses are based on the food costs of families of given sizes, and make certain assumptions about additional expenses of shelter and other family needs. These base line data have been updated annually to accommodate the increases in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

In determining the expected family contribution for the Basic Grant Program, applicants report actual financial data for a base year which is the calendar year prior to the academic year for which the grant is requested. Thus, data included in the 1978-79 application will reflect actual financial circumstances in calendar year 1977. To derive the family size offsets for the 1977 base year, those used for 1976 will be adjusted to correspond to the actual increase in the Consumer Price Index published by the Bureau of Labor Statistics at the end of the year. Since this notice of proposed rulemaking is published well before the conclusion of the year, the amounts in the 1978-79 Family Contribution Schedule are estimated by increasing those used for 1977-78 by six percent. When the final regulation is published, these estimated amounts will be replaced by family size offsets based on the actual Consumer Price Index statistics for 1977 as published by the Department of Labor.

A number of additional changes have been proposed for the 1978-79 Family Contribution Schedules with the intention of improving the equity of the program. They are listed here in the order in which they appear in the regulation.

1. The Office of Education is participating in the continuing efforts of the Committee on Forms Development, established by the National Task Force on Student Aid Problems, to develop common data elements for the Basic Grant application and the applications of the major need analysis services and various State scholarship commissions. To further this goal, the Commissioner is proposing to revise the criteria for determining which parent's annual adjusted family income shall be considered in computing Basic Grant eligibility for a student whose parents are divorced or separated. The current Basic Grant regulation requires income information from the parent who most recently provided the greater portion of the student's support. The proposed revision, which would provide consistency with the procedures of the major need analysis services, would require income information from the parent who has custody of the student or, in cases in which the term "custody" is no longer applicable, the parent with whom the student resided for the greater portion of the twelve-month period preceding the date of the application. If the applicant resided with neither parent during that period, the income of the parent who is providing the greater portion of the applicant's support shall be considered.

Additionally, efforts are being made by the Basic Grant Program and the major need analysis services to establish a consistent method for treating the income and assets of a step parent. Under current Basic Grant procedures, the step parent's financial information is reported only when the applicant has resided with the step parent and parent during the base year or the calendar year following the base year. However, no specific length of residency is stated. Under the proposed revision, the test would be made more specific by requiring that financial information from the step parent if the applicant lived in the step parent's home for more than six weeks during the base year or the calendar year following the base year. Additionally, the revision would also require that the step parent's financial information be included if he or she had contributed more than $600 per year to the applicant's support during the base year or the calendar year following the base year.

2. The Supplemental Form is intended to allow an applicant to use estimated income data in filing a Basic Grant application when a major change has taken place in the financial strength of the family. The conditions under which the form may be filed has been limited to only those cases which are most likely to result in drastic changes in family income. One of these conditions is the loss of employment by a parent of a dependent student or by an independent student or spouse. Program experience has indicated that the expiration of unemployment benefits has for many applicants constituted a change in financial circumstances equally as serious as the previous loss of employment. To permit this loss to be reflected in Basic Grant eligibility computations, the Commissioner is proposing to amend the regulations to include the loss of unemployment benefits as a permissible condition for filing a Supplemental Form.

3. In completing a Basic Grant application, the applicant or the applicant's parents must provide a listing of asset amounts, including cash on hand in savings accounts, checking accounts, and trusts, and the current market value of securities, real estate, home, and other property. Corrections in reported asset amounts are permitted only if an arithmetical error has occurred or if the information submitted was inaccurate for the date on which the application was submitted. With several million applications being processed annually it would not be possible to permit corrections to be made after an application has been submitted to reflect later fluctuations in the family's asset position.

If a student's family should suffer a loss of assets because of a natural disaster after the Basic Grant application has been submitted, the financial aid officer at the student's institution may take this loss into account in determining eligibility for aid under the three campus-based programs (National Direct Student Loans, College Work-Study, and Supplemental Educational Opportunity Grants). If that loss of assets has been of such magnitude that the family can no longer be expected to contribute the amount which had originally been expected, the financial aid officer has the discretion under the regulations governing each of the three campus-based programs to reduce the expected family contribution to a level which reflects the family's current financial circumstances and to increase the awards from the three campus-based programs accordingly.

Generally, this flexibility provided to the financial aid officer in awarding aid from the campus-based programs should be sufficient to compensate for a family's loss of assets resulting from a natural disaster. However, if the disaster is of such magnitude that the President declares the area in which it occurs to be

a national disaster area, the institution's funds for the campus-based programs may be taxed to such an extent that the additional student need could not be met. To remedy this problem, the Commissioner is proposing to amend the regulations to provide that a revision is previously reported asset amounts may be submitted if the applicant or the applicant's family has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of in Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.539, Basic Educational Opportunity Grant Program)

Dated: June 22, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 30, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 190 of Chapter I of Title 45 of the Code of Federal Regulations would be amended as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

1. In § 190.32a, paragraphs (c), (e) and (f) would be amended to read as follows:

§ 190.32a Annual adjusted family income.

* * * * *

(c) For a student whose parents are divorced or separated, only the income as described in paragraph (a) of this section of the parent who has custody of the applicant shall be considered in determining the annual adjusted family income. If custody was not awarded, if neither parent now has custody, or if the parents have equal custody, only the income of the parent with whom the applicant resided for the greater portion of the twelve-month period preceding the date of the application shall be considered. If the applicant did not reside with either parent during the twelve-month period preceding the date of application, the income of the parent who is providing the greater portion of the student's support shall be considered.

* * * * *

(e) If a parent whose income is taken into account under paragraph (c) of this section has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student:

(1) Has received or will receive financial assistance of more than $600 per year from that parent's spouse in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, or

(2) Has lived or will live for more than 6 weeks in the home of that parent's spouse during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

(f) If a parent whose income is taken into account under paragraph (a) of this section was a widow or widower and that parent has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student:

(1) Has received or will receive financial assistance of more than $600 per year from that parent's spouse in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, or

(2) Has lived or will live for more than 6 weeks in the home of that parent's spouse during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

2. In § 190.33, subparagraph (c)(1) would be amended to read as follows:

§ 190.33 The expected family contribution for dependent students from dependent students from effective income.

* * * * *

(c) * * *

(1) Family size offset. A family size offset is the amount specified in the following table. Family members include the student, the student's parents and the student's parent's dependents. If the parents are divorced or separated, family members include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents. If the parents are divorced and the parent whose income is taken into account for the purpose of computing the annual adjusted family income has remarried, or if the parent was a widow or widower who has remarried, family members shall also include any dependents of that spouse if the new spouse's income is taken into account in determining the annual adjusted family income.

Family size offsets

Family members:	*Amount*
2	$4,100
3	4,900
4	6,250
5	7,350
6	8,350
7	9,300
8	10,200
9	11,200
10	12,150
11	13,050
12	14,000

* * * * *

3. In § 190.39, subparagraph (a)(5) and paragraph (c) are added to read as follows:

§ 190.39 Extraordinary circumstances affecting the expected family contribution determination for dependent students.

(a) * * *

(5) A parent whose income was included in the calculation of expected family contribution as determined in § 190.33 has experienced a loss of unemployment benefits in the base year or the tax year subsequent to the base year.

* * * * *

(c) An applicant may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the applicant or the applicant's family has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

* * * * *

4. In § 190.43, subparagraph (c)(1) is amended to read as follows:

§ 190.13 The expected family contribution for independent students from annual adjusted family income.

* * * * *

(c) * * *

(1) Family size offset. A family size offset is the amount specified in the following table. Family members include the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

Family size offsets

Family members:	*Amount*
2	$4,100
3	4,900
4	6,250
5	7,350
6	8,350
7	9,300
8	10,200
9	11,200
10	12,150
11	13,050
12	14,000

An offset of $1,100 shall be made for the single independent student.

* * * * *

5. In § 190.48, subparagraph (a)(6) and paragraph (c) would be added to read as follows:

§ 190.48 Extraordinary circumstances affecting the expected family contribution determination for independent students.

(a) * * *

* * * * *

(6) An applicant or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.43 has experienced a loss of unemployment benefits in the base year or the tax year subsequent to the base year.

(c) An applicant may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the applicant or the applicant's spouse has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

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